

# THE BUSINESS OF GOVERNMENT MUNICIPAL

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*By*

FRANK M. SPARKS

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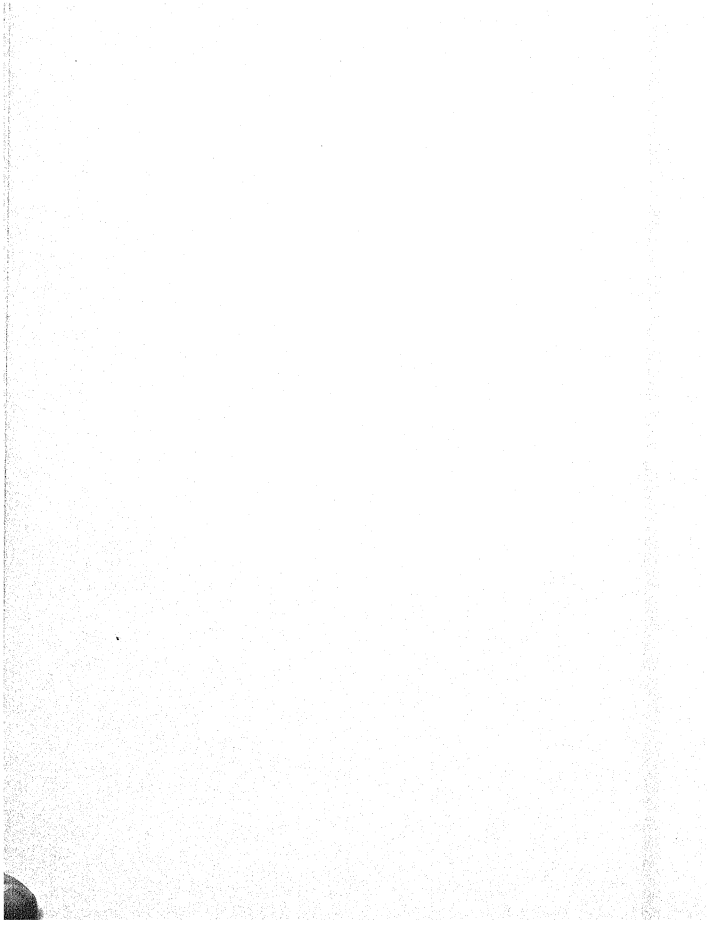
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## A FOREWORD

THE business of government. If the expression is reiterated to a tiresome degree, it is for the express purpose of emphasizing again and again the fact that municipal government is business.

Since early in the present century the awakening of the long-dormant public mind to the needs of government has resulted in casting off the old idea that government is politics, and taking on the new theory that government is business.

Officeholding is no longer mere honor. It is a job. It is no longer a mere opportunity to secure the right to place "honorable" before one's name. It is the duty to give service to an employer. That employer—the people—is now more exacting in its demands. It demands work in return for votes, service in return for employment, results in return for pay.

This book is designed to set forth in simple, understandable language the fundamental principles of the business of municipal government. It is not theory; it is practice. We get much of the theory of government; we get too little of the practical side. Every method, every system referred to in the following pages is in operation in some city in the United States. The exact form may be a modification of the forms set forth here. Each city, in making its charter, modifies the forms and the principles to suit its own ideas and its own problems. The fundamentals are the same.

This book sets forth these fundamentals as they have been seen by the writer in operation. Something of the history of the development of the various forms is touched

upon. The political equation has been taken into consideration. We have not yet reached that stage of development where politics may be eliminated entirely from the business of government.

The person who expects to find here an arraignment of all public officials as grafters and politicians will waste time in reading. That arraignment is not here. I have no patience with that sort of cry. If there has been grafting in some instances, the fault lies directly with those self-styled good citizens whose citizenship consists in voting occasionally, in paying taxes upon the smallest possible assessment, and in criticizing all the time. Grafting has been a comparatively negligible factor in the public life of the cities of the United States. The men who have given their time, money, energy, and thought to the business of government have, for the most part, been patriotic and honest according to the standards of their times.

Neither have I patience with the man who constantly cries, "Politician!" at every public officeholder and employee. My experience has been that the man who is successful in the election is the one styled "politician"; the defeated candidate usually manages to remain the "good citizen." My experience, too, has been that the term "political boss" is applied only to the man who wins; the defeated candidate bears the honorable title of "leader."

Thus I contend that the nation owes a debt of gratitude to those men who have given their time, energy, brains, and money to the business of government. The ills of government are chargeable to those who have been too busy with their private affairs to give attention to the affairs of all the people.

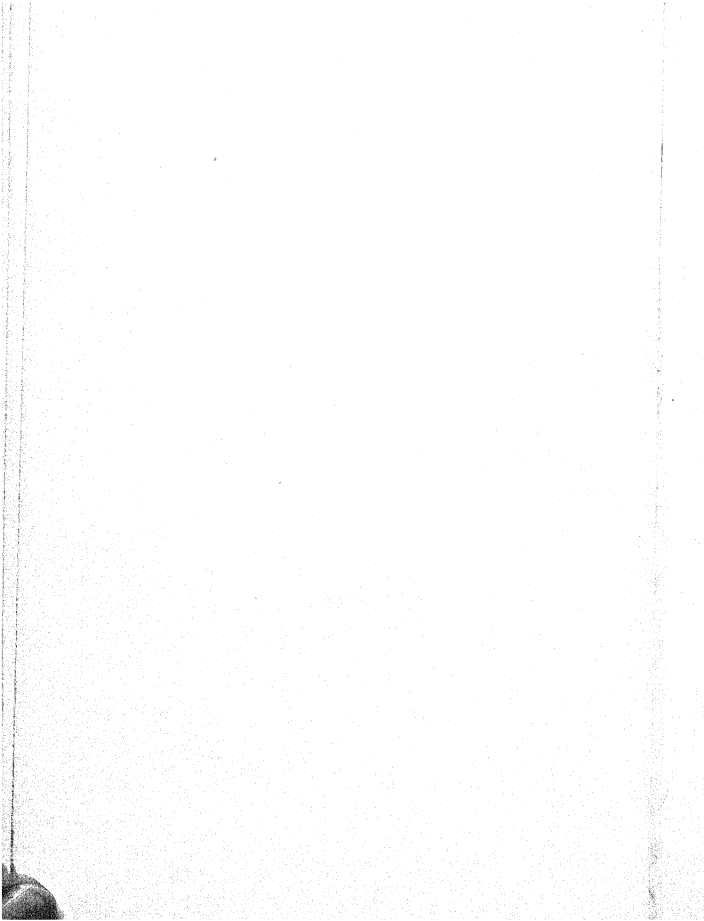
The business of government has been a side issue. Under present conditions it is rapidly becoming the main issue.

Business methods are taking the place of political methods. Interest, thought, suggestion by the people are taking the place of apathy or mere criticism. Government is becoming better.

The idea of this volume is, therefore, to set forth the systems and methods employed in conducting the business in which every citizen is a stockholder. The attempt is made to show the development of the systems and methods, both the wrong and the right. Every statement and every illustration is a fact. It is not the theory of government but the practice of government that is written here.

FRANK M. SPARKS





# THE BUSINESS OF GOVERNMENT: MUNICIPAL

## CHAPTER I

### GOVERNMENT IS BUSINESS

#### THE STOCKHOLDER - THE CUSTOMER - THE PRODUCT

**L**OCAL government—the government of cities and villages—is the foundation upon which is built the entire governmental structure of the nation. With it every individual comes in personal and direct contact. Every man and woman, every boy and girl, who is or hopes to be called a good citizen, ought to feel vitally interested in it, personally responsible for it—ought to take a part in it, ought to lend his thought and influence toward making it representative, economical, honest, efficient.

Municipal government is a business. It is the largest corporation in any city. You, reader, whether you be man or woman, boy or girl, have a direct and personal twofold relation to it. You are both stockholder in it and customer of it. You are a stockholder because you organized it. You name its officials; you control its product; your money finances it.

As stockholder in the business of government you are particularly interested because your company pays no

dividends in money. Its dividends are safety, prosperity, health, happiness. You assess yourself annually to keep the company afloat. You have placed upon yourself the penalty of loss of property if you fail to pay your assessment. You therefore have a right to demand that the products of the business of government be turned out as economically as possible.

As a customer of the business of government you are deeply concerned. The products of the corporation are necessities to you. You must have them; you must pay for them whatever it costs to produce them. You have a right, therefore, to demand that these necessities shall be placed upon the market at the lowest possible price. You have a right, too, to demand that the product be exactly what you expect it to be and what you pay for its being. You have a right to demand that the product shall be full measure, full weight, pure.

What are these products of the business of government?

Protection of your life against the murderer, disease, accident.

Protection of your property against the burglar, fire, flood.

Well-paved streets and adequate sewers.

Houses, shops, factories, and stores strongly constructed, free from fire hazard, with proper sanitary arrangements, with plenty of light, air, and ventilation.

Food that is pure, made in clean places by clean bakers, clean candy makers, clean cooks in hotels and restaurants.

Water that is free from disease germs and filth.

Milk that is pure and sweet.

Well-lighted streets.

Street cars that are safe, that run within reasonable distance of your home, that give a frequent service, that charge as small a fare as is consistent with good service and a reasonable profit.

Sidewalks that are kept free from snow. Alleys and back yards that are free from garbage, rubbish, filth.

Parks and playgrounds in which health and happiness may be found.

Cemeteries in which the dead may be properly buried.

Protection from the faker who sells impure or worthless goods at your door.

Full measure from the huckster, the meat dealer, the grocer, the coal dealer, and every other sort of seller of commodities.

Theaters in which only moral performances are given, and dance halls in which naught but what is clean and moral is allowed.

Protection against the unscrupulous liquor dealer or rooming-house keeper.

Good schools, and plenty of them.

Bathhouses, libraries, social centers, museums, art galleries, gymnasiums.

Care of the poor and unfortunate.

Hospitals in which those afflicted with contagious diseases may be isolated and cured.

All these things and many more are the products of the business of government. You as stockholder must first produce them. As customer you make use of them and pay for them.

Directly interested as is every man and woman, every boy and girl, in this great corporation, yet the business

of municipal government in America is still in its experimental stage. Responsible as is every individual in it, municipal government is, in general, the least efficient portion of the entire governmental structure of the nation.

The business of municipal government is, in general, the most poorly managed business in the world. Until the dawn of the twentieth century the business of government was characterized by lack of interest on the part of the stockholders and customers, by extravagance in the expenditure of money, by lack of business method on the part of officials, by inefficiency on the part of employees.

The city of Cleveland was one hundred seventeen years old in 1913. It is in population the sixth city of the United States. Yet in November of that year the auditor in his annual report said: "I have the honor to present, for the first time in the city's history, a general and detailed balance sheet from our general ledger."

Any private business conducted along the same slipshod lines that have generally characterized the business of municipal government would be in the bankruptcy courts within a year. Any official in a private corporation giving so little time, so little thought, and so little real efficiency to the company for which he works as is given the business of government, would be summarily removed by the stockholders.

On the other hand, the stockholders of any private corporation who gave so little attention to the service rendered by their employees as the stockholders in the business of government give, would quickly lose their money and none would sympathize with them.

The reason that the business of government does not

end in the bankruptcy court as would the private corporation under similar circumstances and management, is that government must be kept running, stockholders must pay whatever amounts are assessed against them, customers must pay the price for the products, however high the price may be.

The real awakening to duty and to self-interest on the part of stockholders and customers has come within the last decade. It is a great compliment to the American people that in spite of all the incentive and all the opportunity, honesty has in general characterized the business of government.

It was, however, through several noteworthy exceptions, through the uncovering of astounding systems of graft and corruption in certain cities, that the pulse of the stockholders and customers in the business of government was quickened and the great municipal corporations began to get the shaking-up any private corporation would have had in the first year of its existence.

Up to this time the evolution of the business of government had been due merely to the growth of the municipalities and the resulting changed conditions. The pure democracy which worked perfectly for the small towns of the Puritans had given way to various forms of representative government as the population increased.

Now, however, men of brains, wealth, and influence began giving thought to the business of government. Throughout the nation municipal charters were revised and are still being revised. New forms are still being experimented with. The evolution, the experimenting, is still going on. The perfect system of municipal government, the perfect method of handling the business of government, has not yet been found.

## CHAPTER II

### FORM OF GOVERNMENT

ITS EVOLUTION : THE PURE DEMOCRACY, THE REPRESENTATIVE SYSTEM, AND THE BOARD SYSTEM ; ITS REVOLUTION : THE COMMISSION FORM, THE CABINET FORM, THE GENERAL-MANAGER SYSTEM

THE business of government since its first organization in America has been undergoing the process of evolution. In its evolution it has made a complete revolution.

The pure democracy operated through the New England town meetings was the cornerstone upon which all the local government in the nation has been built.

Increased population and changing conditions brought the representative system. This was a little removed from direct government by the people. Increased demands, increased duties and responsibilities, gave us the board system. Desire for a centralization of responsibility, authority, and power gave us the commission form. Further centralization of responsibility brought the cabinet form. The demand for direct control of legislation by the people, coupled with a centralization of responsibility for administration, gave to American cities the initiative, referendum, and the general-manager system.

Thus was the business of government returned to the pure democracy of our forefathers. The principles of business were, at the same time, applied to the business of government.

The complete revolution was thus brought about.

One fundamental principle has always been recognized in all the several forms, in all the experimenting, in all the system building. All government in America must be founded upon the principle of government by the people. All government in America must be by the stockholders for the customers. Since stockholder and customer is identical, the business of government must be coöperative.

The New England town meeting was a pure democracy, the ideal form of local government. Every free man had an equal share in the business. The annual meeting was attended by all the people of the town. In mass meeting they determined what public works were to be built. They enacted such laws as seemed necessary to their simple requirements. They determined the taxes. They elected the few officials necessary. They divided among themselves the work to be done.

Rapid growth of cities, together with the influx of a foreign population, made necessary a modification of the method of conducting the business. The population became so large and its demands so varied it became impossible for all the people to meet in a single place at a given time to conduct their governmental affairs. Following the lines of business, they adopted the plan of naming a board of directors. These men, as representatives of all the people, conducted the detail of the business for the whole body. This was the aldermanic system.

The unit of representation, under this form, was made smaller by the division of the city into wards. The number of representatives was large, on the theory that each small group should be represented on the aldermanic council.



The general form of the national government was followed in some New England cities. Two bodies formed the representative organization. One was the board of aldermen; the other was the common council. All matters must have the sanction of both bodies before becoming effective.

The business of government continued to grow. Cities increased in size. The number of customers became larger; they demanded more products and a more varied assortment. Administrative duties were assumed by a body originally intended to have legislative functions only.

Following the lines of business again, departments were created. This was the board system. The administration of the business of government which had been previously delegated by the people to the aldermen was now delegated by the aldermen to these departments or boards. They took over the management and production of the various utilities of the business of government. Board members were generally appointed by the mayor.

The reaction came. The people as stockholders complained that their officials and employees were not sufficiently responsive to their demands. They charged that their dividends were not satisfactory, that the output was costing too much, that they were not getting efficiency from their employees, that the responsibility for the waste and inefficiency was so scattered that they were unable to hold any individual to account.

The people as customers complained that prices were too high, that the products of the business of government were not as represented or as paid for, that they were unable to find the man directly responsible for the overcharge.

To centralize responsibility for all these defects and shortcomings the board of directors was made smaller and the unit of representation was made larger. Instead of electing one or two aldermen from each ward, they elected three or five commissioners from the city at large. This was the commission form of government. Commission government centralized in the five commissioners all the executive, legislative, and administrative power, authority, and responsibility. This was manifestly placing much in the hands of a few men. Abuses were possible.

Carrying the theory of centralization even farther, the cabinet form was tried. All responsibility for administration was, under this system, centralized in the mayor. The legislative function was separated in some degree, being left in the hands of a council but with the mayor having a veto power and perhaps presiding over the council.

The mayor was given the appointment of his department heads just as the president of the United States names the members of his cabinet. These department heads were expected to be experts, and were supposed to be hired because of their efficiency in their particular duties.

Manifestly this form, unless carefully safeguarded, was subject to even greater abuses than the commission form.

To overcome the defects in both forms, to safeguard them from abuses, the principles of the pure democracy were once more turned to. The end sought was gained through the initiative, referendum, and recall, and civil service. These principles, in theory at least, returned the business of government to the hands of the people. The revolution was made complete.

One step more was taken, however. This placed the business of government upon a strict business basis. It, at the same time, kept the affairs of government in the hands of the people. This was the general-manager system, supplemented by the initiative, referendum, and recall.

While many variations of this as of all other forms may be found, the most approved form under this system provided for the hiring of a successful and experienced executive, not necessarily a resident of the city, paying him the necessary salary, however large, and making him the sole administrative head of the city. It was his duty to conduct the business of government just as he would conduct the business of a private corporation.

All legislation, under this system, was secured through a legislative commission or direct from the people through the initiative. Thus was the pure democracy restored to legislation, while business principles of administration were applied through the general manager.

### CHAPTER III

## THE TOWN MEETING

#### ITS ORIGIN — ITS OPERATION

**C**ONDITIONS were responsible for the first forms of local government in America. Religion, climate, character of the settlers, the savages, all played their prominent part in determining what form the government should take.

The Virginia colonists found a rich soil, a mild climate, rather peaceable Indians. They settled upon large estates far removed from each other. They were aristocrats, accustomed to govern. They adopted immediately a representative form of government. Organized into counties rather than into towns and villages, they chose from among the aristocrats the men who should administer the few affairs the county had to deal with.

The Puritans, who landed in New England, encountered altogether different conditions. They were an altogether different sort of men. They were, for the most part, poor. They fled the old country because they were denied freedom of thought, freedom of religious belief, freedom in the affairs of government.

They were a hardy people, deeply religious, thrifty, accustomed to work. They found a bleak and rocky coast. The land itself was rocky and hard to work; the climate was severe; the natives were warlike. The Puritans, therefore, had every incentive to live close together, to organize the village and town. Only by so doing were

they able to conduct their religious worship as they desired; only by so doing were they able to defend themselves against the Indians.

Their two first actions were to build a stockade for defense and a church in which to worship. They farmed the country upon which they settled, but always the stockaded village offered them protection when the Indians attacked. There was the meetinghouse; there was the schoolhouse which followed closely; there, in addition to the haven of refuge, was the place in which the Puritans met to transact the business of government.

It was the custom to pasture all the cows on a common pasture land. This was as much a safeguard against the Indians as anything else. When the Indians attacked, all the flocks and all the valuables, as well as the men, women, and children, were rushed to the stockade.

Each person pasturing on the common pasture land was required to pay a small fee. Tithes must also be paid to the church and for the support of the school. Money must be provided for the purchase of gunpowder and lead. These necessities brought the people together in times of peace to determine the amounts to be paid and to make such laws governing their conduct as seemed necessary. From these factors was born the basis of the business of government in America. Here was made necessary the government of the people and by the people. Here pure democracy was first established. This was the beginning of the town meeting.

But few officials were needed in those days. They were chosen by the colonists assembled within the stockade and usually within the church. A leader of the military forces was a first necessity; a tax collector was needed; a watchman was a necessity, and a cemetery

committee and a school committee were among the first and most important to be named.

No man was a candidate for office, but each man took whatever office was assigned to him by the town meeting. It was his duty to do so, and some very famous men held very humble positions in the municipal organizations of the New England colonies.

The town, in this manner, became the unit of government in New England. The county and state are made up of towns rather than the town being merely a subdivision of the state or county.

The town meeting of to-day in the small New England village is conducted in just the same manner as when the Puritans went within the stockade to perform their duties in the business of government.

The annual town meeting is held in the spring. The people from all over the township come into the village to attend it. It must be remembered this is a rural population. Town-meeting day is the annual picnic day, and the whole family comes to the village to enjoy itself while the head of the family is attending to his duty as a citizen.

The horses are hitched around the town hall or church in which the meeting is held. The lunches are spread upon the grass in the park. The best collar and elbow wrestler of one section of the town challenges a similar champion from another section. A crowd watches a couple of husky country lads struggling with feet together and with both hands upon a broomstick, each trying to pull the other up from the ground. A baseball game or a quoits-pitching contest is on. The women discuss the best method of making jellies. Every man and every woman, every boy and every girl, knows everybody else in the town.

Within the hall, or perhaps in the open air if the weather is fine, the town meeting goes on in spirited fashion. The moderator presides. The title of this chairman takes us back to the days of the Puritans, for it was the moderator of the church who conducted its business affairs. The selectmen, who constitute the administrative body of the town, present their report of the accomplishments of the year and make their recommendations for the tax levy for the following year. The school committee, the cemetery committee, the highway commissioner, the drain commissioner, the poor master, the assessor, the tax collector, the town clerk, the town treasurer, and what other officers may be required to run the business of that particular town, make their reports.

In this corporation all the stockholders are present to hear the details of the stewardship of their employees. Every man has a right to make a motion, to make a speech, to vote. Debates become spirited. Discussion is free and open. Thus is government taught. Thus does each man in the town have his share in the government. Thus is the business of government conducted.

The officers for the coming year are elected there in the town meeting. The tax levy is agreed upon. Moreover, the specific things for which money is to be spent are determined. The officials who are to administer the affairs of the town during the year receive their orders from all the people at the town meeting. They know they must render a detailed account of their administration at the next town meeting.

The officers elected are few. All the legislative business is transacted by the whole people in town meeting assembled. Three, five, or seven selectmen are chosen

as the commission which will carry out the will of the people during the coming year. They are the administrative officers. A town clerk whose duties are to keep a record of the meetings, of the births, deaths, and marriages, and so on, is elected. The township treasurer is chosen. The other officers are usually a path master or highway commissioner, a poor master, a school committee, a cemetery committee, a town marshal or constable, an assessor, a tax collector, and such other officials as the requirements of each particular town demand.

Candidates for office, except perhaps for clerk, treasurer, and selectmen, are rare. In the early days there were no candidates, each man taking upon himself the duties assigned. Thus in the town meeting is the pure democracy enjoyed. The business of government is in fact operated by the stockholders. The officials must satisfy them, and in satisfying them they also satisfy the customers. They must render a detailed accounting to them in open meeting. Because everybody in the town knows everybody else, the chances are always that only the efficient men will be placed in office.



## CHAPTER IV

### THE REPRESENTATIVE SYSTEM

#### THE WARD - THE DUAL COUNCIL - THE ALDERMANIC COUNCIL

**P**ERFECT as was the town-meeting system for the Puritans, efficient as this system has proved for the small rural New England community, increased and changing population rendered the system less efficient. As the cities grew the town meeting passed.

Numbers made the system cumbersome; increased population, more public works, more money to spend, more offices, and more jobs made office more attractive. Candidates for office appeared. Men began to seek the offices which, heretofore, had been thrust upon them. Fight for office brought political organization.

The influx of a foreign population to work in the mills and factories brought another element of discord into the town meeting. The foreigners rather generally settled in some one section of the village. There among themselves, with their own churches, their own language, and their own customs, they formed a village within a village. They had their own ideas, their own problems. Certain among them became their leaders. They aspired to honors in the land of their adoption. They constituted a large political element.

These conditions, plus the rapid growth in population, made necessary a modification of the town-meeting system. Instead of all the people meeting in one place

to transact the business of government, the town was divided into sections. The people of one section met and elected one or more of their number to represent them in a central body which, in turn, represented the whole town. This division of the town was the formation of the ward. The election to the central body of the representatives from the wards was the organization of the aldermanic-council system.

Just as the national Congress is composed of two branches modeled after the House of Lords and the House of Commons in the English Parliament, so, in the early days of the representative system of municipal government, the town or city council was organized.

A small unit of representation with a large representative body was the general theory upon which the council was organized. It was the belief that under this theory the government would still be kept close to the people.

Honesty and efficiency, it was believed, would best be conserved by two bodies, one checking against the other. The organization then, and in some cities even now, consisted of a board of aldermen composed of one alderman from each ward and conforming to the Senate of the United States and the House of Lords in the English Parliament, and a lower body, the council, consisting of two councilmen from each ward, conforming to the House of Representatives of the United States and the Commons in the English Parliament.

Certain legislation, such as taxation, must originate in the lower body. The upper body served as a check against radical or ill-advised measures. The upper body also had some other duties when sitting as the "municipal officers." Then they investigated and committed insane persons, granted certain licenses, and performed such

other duties as were especially delegated to them by their charters. No matter of legislation became effective until passed by both branches of the council.

It was soon recognized that the checks which seemed desirable in the Congress were unnecessary and needlessly cumbersome in a city government. Further growth in population, the necessary addition to the number of wards, increased the size of the council. This added to the cumbersomeness of the system. Most of the eastern cities have, therefore, abolished the dual system. A common council, consisting of a board of aldermen only, became the more general system of government.

Concentration of responsibility was therefore carried forward a step. The time had not yet arrived when the idea of a large representative body and a small unit of representation could be cast aside. The wards were made small enough to permit of the gathering of the entire voting population for the election of two or more representatives to the common council.

The common council now became all-powerful in the community. All the various governmental activities were placed in the hands of this organization; it was both the legislative and the administrative body. Administrative functions were conducted through committees of the council. One committee had as its duty the care of streets; another had the sewers to look after; another was in charge of parks. Each department of the government was thus parceled out to a committee. Every department of the city was administered by the aldermen. In some instances the aldermen delegated certain duties to commissioners, but they named the commissioners, so the departments were still under the control of the aldermen.

The duties of the aldermen were numerous under this

form of government. They had police duties, for instance; they let contracts for public improvements; they audited the accounts of the city; they were highway commissioners in their respective wards; they were poor masters, selected jurors, and had many other official functions within their own representative districts.

Imperfections in this system became manifest. The rapid growth of cities increased the responsibilities and the duties of the aldermen. Merely nominal, if any, salaries were paid. No man could afford to give his time to the city. The business of government therefore became merely a side issue to private business. Not one tenth of the time or thought was given to the business of government that each alderman gave to his own affairs.

Inefficient business methods must and did, therefore, obtain. The cost of production necessarily increased. The general welfare of the community became the third consideration with each alderman. He gave his first attention to his own business; second in his mind was the welfare of the ward from which he was elected; the business of the whole city was his last consideration.

To keep the taxes as low as possible, to get for his ward what the people of that ward wanted, regardless of the will of the whole community, was the one consideration. He became the alderman for his ward alone, and the business of the city at large suffered. In business terms, the business of government was conducted by directors, each representing but one faction of the stockholders. The whole business had no board of directors.

Such a system could lead to nothing but inefficiency, wastefulness, and to corruption if an alderman were dishonest.

## CHAPTER V

### THE BOARD SYSTEM

#### ITS THEORY - ITS WEAKNESS

**G**ROWTH of cities and the constant demand for more public works made greater attention to the business of government imperative. This greater attention to business low-paid aldermen were unable and justly unwilling to give. It became apparent that some strictly administrative body was necessary to carry forward the great amount of work.

Delegation of these administrative functions came about in the process of evolution. It also moved the conduct of municipal affairs one step farther from the pure democracy of the town meeting.

Boards and commissions became the medium through which the various administrative functions were exercised. The number and functions of these organizations varied in different cities.

One of the first boards of consequence to be established was the water board. It had control of the municipal waterworks system. As other municipal utilities, such as electric lighting, were acquired, they were generally turned over to the water board. The sewer systems and construction, care, and maintenance of streets and bridges were placed in the hands of this board, which soon assumed the name of the Board of Public Works, or some similar title. Some cities turned over to this organization garbage collection and disposal

and other functions until it became the most important board in the business of government.

The police and fire departments seemed naturally capable of joint administration. Many cities therefore formed the board of police and fire, which became a great factor in the business of government. This organization was frequently styled the "Department of Public Safety."

Parks and cemeteries, and later playgrounds, offered similar opportunity for joint administration, although the playgrounds have now in many instances been placed under the administration of public welfare commissions.

Public health and sanitation have in comparatively recent years assumed a prominent place in municipal government. Under a board of health, therefore, was generally grouped all matters pertaining to sanitation, quarantine, municipal hospitals, plumbing, ventilation, and collection and disposal of garbage. In many instances the department of the poor, one of the oldest, was placed under the board of health. Later thought, however, has rather generally placed this department under a public-welfare commission. Many other boards and commissions for specific purposes were named. Among these were franchise commissions, boards of estimates, sinking-fund commissions, housing commissions, public-welfare commissions, and such other organizations as the problems of the particular city seemed to justify.

Board members were generally appointed by the mayor, and sometimes confirmation by the council was required. They usually served without pay, or with a small *per diem* when actually engaged in the city's business. Their duties were purely administrative. They

hired their employees, let contracts, and assumed the general directorate of their respective departments.

This system generally proved an improvement over the aldermanic plan. It gave a responsible organization to each department of the business of government. Objection arose to it chiefly because the mayor had the appointing power. It was charged it gave him opportunity to build up a personal political machine. Through his appointees on the boards he gained more or less control over the vast number of employees of the municipality.

Numerous plans to guard against this evil were worked out, the most general plan being what was known as the "blocks of five." This system provided simply that each board should consist of five members, each appointed for five years, the term of but one expiring each year. It was impossible, therefore, for a mayor to gain control of a board until his third year in office. Few mayoralty terms exceeded two years.

Still another safeguard was sometimes thrown around the appointing power. It was provided that not more than three members of any given board should belong to any one political party. A more or less non-partisan aspect to the board was therefore theoretically maintained. It might happen, too, that when a mayor was ready to make his third appointment to a board he would be forced to name a man of a different political faith, and therefore fail to gain possession of the organization even in his third year in office.

Several fallacies in the theory of the board system are manifest. The first and greatest fallacy was that of attempting to restrict the powers of the mayor. The mayor was generally elected upon an issue. If he were

unable to secure control of his boards he could not make good his pledges.

Take a very common example. A candidate for mayor might pledge himself to close the saloons at a given hour. On the strength of this pledge, backed by the moral wave sweeping the city, he was elected. A majority of the people declared they wanted the saloons closed at that given hour. The police board controlled the department which could close them, make good the mayor's campaign pledges, and carry out the expressed will of the people. The mayor could name but one of the five members of the police board in the first year of his administration. If the board left over by the preceding administration stood for the "wide-open town," the mayor's appointee would be helpless. In the second year of the mayor's administration he could appoint one more member of the board. Still he was outvoted three to two; still his pledge remained unfulfilled through no fault of his. The wish of the people was not realized. The mayor's unfulfilled pledge was used against him in the forthcoming campaign. He was the man held responsible by the people. They had no control whatever over the board members. If the mayor was fortunate enough to weather the storm and be reelected he might secure control of the board in his third year in office. Only then could he give to the people what they had expected when they first elected him.

Another fallacy in the theory of the board system was that a mayor desiring control of a board for political purposes might secure that control by political means. Suppose he desired control of that board having to do with the enforcement of the liquor laws or some other issue over which the people had become aroused. It was



usually provided that the mayor might remove a board member for cause. It would be easy for the executive to bring such charges against a board member that the man would prefer to resign rather than continually face the accusations.

Members of a board of any kind might resign in disgust under methods which a mayor desiring control of the pay roll might employ. By limiting appropriations so as to cripple the work of the department, by bringing about through the legislative body ordinances distasteful to the department, by refusing coöperation, by insisting upon the employment of political appointees, the mayor might force the disruption of a hitherto competent and efficient department.

Still another weakness in the system was that two members out of harmony with the other three might be able to effectually block the progress of that department.

The greatest weakness of all, however, and the one which finally brought the board system into disrepute, was that responsibility was scattered. No man could justly be held responsible for the failure of a department. The mayor, as shown, could not justly be held to account. The board members could not be removed except for corruption difficult to prove. The stockholders lost control of the administration of their own business.

The trend of thought was toward centralization of responsibility. The people wanted the servant where they could put their finger upon him; they wanted to know which servant the finger should be put upon. That spelled the fall of the board system.

## CHAPTER VI

### THE COMMISSION FORM

#### ITS ESSENTIALS — ITS OPERATION

**D**ESIRE to centralize responsibility, to make the business of government conform more nearly to methods pursued in private enterprises, led certain cities to adopt the commission form of government. The commissioners under this plan corresponded to a board of directors. The idea was primarily to center all responsibility in a small group of men. These men could be held accountable for inefficient or dishonest administration.

Two cities, Galveston, Texas, and Des Moines, Iowa, the first to adopt the plan, became the leading exponents of it. Immediately following the disastrous flood, Galveston found itself confronted with a condition demanding strong business methods. A vast sum of money must be spent in reconstruction; wastefulness and inefficiency must not be tolerated.

Prior to the flood, governmental conditions had been highly unsatisfactory, government had been inefficient. New men and new methods were necessary now. Then it was that the business men, after years of characteristic apathy toward government, offered their services. They organized the government as their private enterprises were organized. They constituted themselves a board of directors under the commission form. Then they set about rebuilding the city. They employed experts to

reconstruct their streets, their sewers, their other public works. They administered affairs along business lines. Galveston, under the commission form, enjoyed a real business administration, conducted in a business manner by business men.

Des Moines adopted a similar form. It, too, was confronted with a condition. Its government had been corrupt and inefficient. Its people demanded a new system and new men; its people demanded a business organization. The Des Moines system worked so well for that city that it soon became the standard for the commission form. So well did Des Moines advertise its success that "the Des Moines plan" in more or less modified form was adopted in a vast number of cities and villages, large and small, throughout the nation.

Many variations of the commission form of government may be found. Each city so molded it as to make it fit that city's peculiar conditions. Many changes, believed by charter builders to be improvements upon the Des Moines plan, were also made. The essentials of the commission form were, however, the same everywhere.

The administration of the business of government falls naturally into five divisions or departments. These are as follows, although different cities in adopting the commission form varied their names and composition somewhat:

*The executive:* Government, under any form, must have a head, whether he be called mayor, commissioner, president, general manager, or what not.

*Department of finance:* To this department naturally falls the duty of budget making, assessment of property for general taxation or special improvement

purposes, levying and collection of taxes, accounting, auditing, issuing and selling bonds, purchasing supplies and equipment.

*Department of public works:* To this department falls the duty of constructing, maintaining, and operating municipal water systems, municipal lighting plants, power plants, sewage-disposal systems, improvement, repair, and cleaning of streets, construction of sewers, construction and maintenance of bridges, and flood-protection works.

*Department of public health and safety:* In this department is administered the police department, the fire department, all matters pertaining to public health, sanitation, quarantine, isolation, municipal hospitals and sanatoria, garbage collection and disposal, traffic regulations, supervision over building operations.

*Department of public welfare:* Under this department is grouped the care of the poor, social-center work, housing problems, the maintenance of the public market, care and maintenance of public parks, boulevards, playgrounds, cemeteries, libraries, museums, and art galleries.

As government fell so naturally into five departments, the commission-governed cities just as naturally named five commissioners, though some smaller communities found three commissioners sufficient. All executive, administrative, and legislative functions were vested in these five men. All responsibility, all authority, and all power were placed upon them.

Each commissioner became the administrative head of one department. He employed such subordinates and such experts as he found necessary to successfully

conduct the affairs of his department. The commissioner of public health and safety employed his chief of police, his chief of the fire department, his health officer, and other officers. The commissioner of finance employed his expert accountant. The commissioner of public works employed his civil engineer, his hydraulic engineer, his mechanical engineer. But each commissioner was held directly responsible for his own department and for the acts of his employees.

All five of the commissioners sitting together constituted the legislative and deliberative body. All ordinances were enacted by them. All matters of policy were determined by them. Once a policy was determined upon, it remained for the commissioner of the department to which the policy referred to execute it in his own way.

Methods of choosing these commissioners and assigning them to their several duties and departments varied in different cities. In some cities one appeared upon the election ballot as a candidate for mayor, another for commissioner of finance, another for commissioner of public works, and so on. In some cities one man was elected mayor and the other four simply as commissioners to be assigned to their respective duties and departments by the mayor after election. In still other cities all five were elected without reference to department, and organized themselves after election. They chose one to be mayor, assigning the others to their several departments.

Ward lines were abolished in practically all commission cities. Commissioners were elected at large. It was the belief that by electing at large, the interests of all the people would be better served and that sectional interest would disappear with the ward lines.

The chief objection to the commission form of government was that too much power was placed in the hands of a few, that a practical oligarchy was created, that a powerful political machine could easily be organized, that five men could thus perpetuate themselves in office, that safe government could not be had when five men levied the taxes, collected the money, spent the money, and audited their own bills.

Four other principles were found essential to safe and successful government by commission and to overcome these objections. These principles were:

The initiative, by which the people were enabled to force such legislation as they desired.

The referendum, by which the people were enabled to check undesired legislation and to curb expenditures.

The recall, by which the people were enabled to remove any inefficient or dishonest commissioner.

Civil service, through which commissioners were less easily able to control their employees and thus build up a personal machine for perpetuating themselves in office.

The aim was to leave in the hands of the commissioners no object but to serve efficiently. The theory was that commissioners were merely employees entrusted with handling the business of government for the stockholders, and that commissioners should have no personal interest except to bring forth the best possible product at the lowest possible cost.

## CHAPTER VII

### THE CABINET FORM

#### LEGISLATIVE AND ADMINISTRATIVE FUNCTIONS SEPARATED — CONCENTRATION IN THE EXTREME — DANGERS AND SAFEGUARDS

**I**F A little concentration is good, much concentration is better.

This was the theory of some charter builders who saw the beneficial results of concentrating administrative responsibility under the commission form of government.

If concentration of administrative responsibility upon five commissioners works well, further concentration upon the mayor alone will make it possible to hold just one man responsible for the ills of government. From this argument the cabinet form of government was developed. Upon the mayor alone was centered all responsibility, all authority, and all power.

The organization of the national government was taken as the pattern for the cabinet form. One great departure from previous forms was made: the legislative body was separated entirely from the administrative; to the council were delegated legislative functions solely. Upon the mayor as the chief executive and his cabinet were vested all administrative functions.

Sound in theory and sound in practice was this separation of legislative and administrative bodies. Under the town-meeting system all legislative functions were performed by all the people assembled in town meeting, and

administrative functions were vested in the selectmen. From the beginning of a representative form of government, however, legislative and administrative functions had been combined in the aldermanic council or in the commission. Some separation was made under the board system, but a connection was still there. Not until the cabinet form was tried was the separation once more effective.

That this was good practice is manifest. In legislative matters it is advisable that the unit of representation shall be small and the representative body large. By this means, legislative matters are kept more closely in the hands of all the people governed or legislated for.

In administrative affairs it is equally imperative that responsibility shall be centralized. By this means the people will always be able to place their finger upon the man responsible for dishonest or inefficient service. Under the cabinet form, therefore, the council, elected by wards or at large according to the tastes of the individual cities, performed only legislative functions; it had nothing to do relative to administrative affairs. The mayor was usually the presiding officer of the council and was generally given the veto power, which formed the only connecting link between the two departments. The council, too, was vested with sole power to make appropriations. By this means it was able to preserve a check upon administrative affairs although having no opportunity for direct interference with details.

The law-making body was kept still further in close contact with the people through the initiative and referendum. These supplementary principles gave the nearest approach to the principles of the pure democracy possible under any representative system of government.



The organization of the administrative branch of the government varied in different cities. Fundamentally the cabinet form was the same in all cities. In the elected mayor was vested all administrative responsibility and authority. He appointed his own heads of departments and was held responsible for their acts. In some cities, confirmation of these appointments by the council was necessary. It was found better practice, however, to give the mayor a free hand and then hold him to strict account for the acts of his appointees.

Departments were organized along the same lines as in the commission form of government. Instead of electing the heads of these departments, however, the mayor only was elected and he, in turn, appointed his administrative heads.

Cabinet meetings were usually held daily. At these meetings the mayor, surrounded by his department heads, discussed and fixed matters of general policy, the execution of the details being left to the heads of the respective departments. At these cabinet meetings, too, complaints, petitions, and other communications from the people and from employees were heard. All meetings were open to the public. Failure on the part of any administrative head to comply with decisions of the cabinet, to carry out effectually and efficiently the functions imposed upon him, was chargeable by the people directly against the mayor. He, therefore, saw to it that only competent and honest men were appointed to these administrative positions.

Among the variations of the plan to be found was that some cities gave to the mayor and his cabinet legislative functions. This centered legislative as well as administrative powers in one man. It was neither good theory nor good practice.

Tremendous power as well as tremendous responsibility was placed upon the mayor under the cabinet form. He had control directly, or through his appointed cabinet, over all expenditures, salaries, and employees. This was the great objection to the plan. In no small degree it made a dictator of the mayor. It might enable him to perpetuate himself in office, and to plunder the city if he were disposed to dishonesty.

Two principles were necessary as safeguards to the cabinet form of government. One, the greatest, was the recall. By means of this, the mayor could be forced from his position either because of dishonesty on his own part or because of dishonesty or inefficiency on the part of the members of his cabinet. The people had a string upon one man only, and that man was the mayor. But as the mayor was responsible for every act of every employee and official in the administration of the city, he was the man who was recalled when any portion of the business of government went wrong.

The other safeguarding principle was civil service. The great fear of the opponents of the cabinet form of government was that the mayor, being in absolute control, might perpetuate himself in office through the building up of a great political machine. It was the charge, too, that the business of government might be made to suffer severely every time a new mayor was elected if he were permitted to discharge the small army of employees his predecessor had maintained.

Civil service was, therefore, applied to practically all municipal employees subordinate to cabinet members. By this means, in theory at least, the mayor was not given the opportunity to secure such a grip upon the city as

to render himself immune from the operation of the recall or defeat for reelection.

The cabinet form, in theory, was one of the best; but it was not adopted by any considerable number of cities. It stood about halfway between the commission form and the general-manager system. Those cities not altogether satisfied with the commission form of government, and anxious to concentrate responsibility upon one man, were inclined to jump directly from the commission form to the general-manager system without pausing at the halfway station of the cabinet form.

## CHAPTER VIII

### THE CITY-MANAGER PLAN

#### BUSINESS IN ADMINISTRATION - PURE DEMOCRACY IN LEGISLATION

**F**ROM the commission and cabinet forms of government to the city-manager system was, indeed, but a short step. It was also a logical step in the evolution and development of local government. Concentration of responsibility in administrative affairs had been found not only correct in theory but efficient in practice. The application of strict business principles to the administration of the business of government had long been sought. It was found in the city-manager system.

European cities, especially those in Germany, had long been employing this method of government. The people of the United States were slow to accept it. This was due chiefly to the inborn idea of Americans that government by the people means literally government by one of the people immediately governed. They therefore hesitated to cast aside the system of electing one of their own number as mayor of the municipality, and to go outside to hire an executive.

Two events brought the plan into favor. In the building of the Panama Canal, Colonel George W. Goethals, as executive of the governmental affairs of the Canal Zone, had given an administration unparalleled for efficiency. He had applied strict business principles to the business of government and given a government of

efficiency and economy. Not a suspicion of dishonesty was cast against his administration. Men interested in governmental affairs all over the world watched his success, wrote and talked of it. Why would not that method apply equally well to cities? All admitted it would.

While the discussion was at its height in 1913, Dayton, Ohio, was visited by a most disastrous flood. In the chaos of that time strong business men put into operation a commission form of government which, under normal conditions, the people had refused to accept. It worked most successfully. This success was largely due to the fact that under the chaotic conditions one man, John H. Patterson, the foremost business man of the city, practically assumed the general managership of that city. The people realized that, for once, and under the most trying conditions, they had had a real business administration.

Normal conditions restored, the people of Dayton were unwilling to give up that sort of administration. The city-manager system had been a great success. The work in the Panama Canal Zone was about completed. Dayton electrified the cities of the United States by offering to Colonel Goethals the general managership of the city. From that moment the city-manager plan became the highest development of municipal government in America. City after city turned to it in some form. Fundamentally, all the systems were identical.

Under the city-manager plan the administration of the business of government was placed on the same basis as the administration of a railroad system or other private enterprise. The city manager was hired rather than elected. He was secured from wherever he might

be found. He was employed because of his efficiency as an executive.

The city manager was thus removed from local influences. Because he had no campaigns to make he was immune from political considerations; he was not forced to curry favor with parties or with political bosses. He signed a contract to administer the affairs of government just as the general manager of a railroad contracts to administer the affairs of that road.

The city manager organized the business of government as he believed it should be organized to bring results. He had no jobs promised; he employed such subordinates and such employees as he saw fit. He hired them because they were, to his mind, men capable of turning out their portion of the product of the business of government economically and efficiently.

The duty and the aim of the city manager was to turn out the best possible product at the lowest possible cost. He must make a showing to his stockholders, who were all the people, just as the manager of a department store, a railroad, a gas plant, or a foundry must for his stockholders. Failure to accomplish this meant that his contract would not be renewed, just as would be the case in a private enterprise.

The city manager had no legislative functions whatever. Legislation was left entirely in the hands of the people governed. The city manager might of course suggest needed legislation, but the enactment of the laws was entirely out of his hands and control. His duty was to enforce the laws and ordinances after they had been enacted by the legislative body.

Different methods of conducting legislative affairs were found in the different cities. In most of them, at

first at least, the commission was retained and constituted the legislative body supplemented by the initiative and referendum. The commission hired the city manager. After he had signed his contract, however, the city manager was theoretically the sole administrative head. The commission relinquished all administrative functions, but retained all legislative functions.

The system therefore combined the principles of business in administration through the city manager with the principles of concentration of responsibility for legislation through the commission, and the principles of the pure democracy in legislation through the initiative and referendum.

The plan is capable of still further development in legislative affairs. Why not pure democracy in legislation, without the mediation of the commission? With administration taken entirely from the hands of the commission, nothing is left that organization except legislation. As the initiative and referendum have now been generally accepted, why not all legislation direct from and by the people?

This is the further development of the business of government, not yet in general practice in the United States. It is logically the next step. It has been practically reached in that ordinances initiated by the people must become laws if a majority vote for them, and laws passed by the commission may be vetoed by the people under the referendum. Thus the commission is already shorn of much of its power even in legislation.

## CHAPTER IX

### THE MAN AND PUBLIC OFFICE

THE MAN WHO HOLDS OFFICE—THE MAN WHO OUGHT  
TO HOLD IT—WHY THE BUSINESS MAN DOES N'T  
SEEK IT

**M**EN more than systems make government good or bad.

Any system with the right man at the head will give reasonably good government. The ideal system with an incompetent man in charge will fail.

So long as men are elected to office with no other qualifications than that they are of a particular dominant nationality, belong to a certain church, are members of a strong fraternal society, are labor union men or are opposed to union labor, so long will incompetents conduct the business of government.

Mere honesty is no qualification for office holding. Many a man, in private business, is sitting on a high stool working for fifteen dollars a week because his honesty has been tried and found true. But he is retained in that humble position because he lacks the qualifications for holding a more lucrative one.

Better the man of capacity and energy than the man who is merely honest. Hazen S. Pingree, the once famous governor of Michigan, illustrated this point most forcefully. A scandal had been uncovered in one of the state departments. One after another the officials of that department were called before the governor, confessed their guilt, and were dismissed. One man only



in the department pleaded not guilty, and stoutly maintained he knew nothing of the great system of graft going on all around him.

"You're too blamed honest for this job," said the governor in his blunt way. "You're so honest you can't see dishonesty. You're fired."

Experience in big and diversified enterprises is as necessary a qualification as honesty for the successful administration of the business of government. Experience counts for as much in conducting the business of a city as that of a railroad, a gas company, or a water-power company. The business of government is diversified. Only a man with wide experience can hope to conduct it successfully. That is why the plan of hiring a general manager for a city usually gives the best results. Men are now making a profession of city management.

No owner of a department store places a blacksmith in charge of the silk department; no gas company places a shoe salesman at the head of its plant. But in the business of government we are as likely to find at the head a factory hand, a clothing salesman, an attorney, a doctor, or a hotel clerk as we are to find a man schooled in handling big business enterprises.

Why is this so? Because the American government is founded upon the principle of the free and equal right of every citizen to become a candidate for and to hold the highest public office in the nation. That principle is the strength of the American government. That principle is likewise responsible for the lack of business method which has generally characterized the business of government.

It is the votes of the whole people which place men in

public office. Seldom it is, therefore, that one finds in control of the affairs of the municipality a man who has really made a success of a big business enterprise. The business of government has been left the toy of the skillful politician. A patient body of stockholders has paid its assessments regularly to keep the business running. An equally patient body of customers has paid the price for the product, no matter how high that price might be.

If government is business, why not a business man at the head of it? Several reasons there are, and all potent ones.

First, the successful business man is too busy with his own affairs to give time and attention to the business of government. Right through the nation one will find the business man the least posted on the affairs of his own local government. Movements are frequently organized by business men to bring about reforms in government. Nine times out of ten these movements are so purely theoretical and so thoroughly lacking in practicability that they fail of accomplishment. Only a small percentage of business men will usually be found who can name the minor officials of city, state, or nation. A still smaller percentage can tell how to bring about the improvement of a street or the passage of an ordinance.

Ask the workingman the same questions. In a majority of cases he will answer correctly vastly more often than the business man. The workingman is interested in politics and in government. His citizenship means much to him. He is proud of his right to participate in the affairs of government. He votes, and he votes intelligently. He is interested in his taxes; every dollar expended means something to him. That

workingman may not be the right man to manage the business in which he is so interested. He is as likely to be the right man, however, as the business man who has given so little attention to the business of government that he can't discuss it intelligently.

A second feature which keeps the business man out of politics and out of public office is the election system. It is the votes that put men into office. What man at the head of a prosperous and growing business—the sort of man who might be the very one to properly conduct the business of government—will leave that private enterprise, mount a soap box on the street corner, and talk to the crowds? What man of this sort will go around to the factories and address the workers on the issues of the campaign, or meet with them in some dingy little hall?

Yet if the business man is to be elected to the head of the business of government that is what he must do. He must shake hands with the grimy toiler. He must tell him in simple, everyday language what he proposes to do if elected. He cannot deal in generalities. He must tell what he is going to do about certain specific things in which the workingman is particularly interested. He must talk sense, and be prepared to answer questions, for the average toiler is inquisitive when the campaign speaker comes around making promises.

To be elected general manager of the business of government the business man must get the votes. Wealth, influence, pull will avail him nothing. He cannot, in this day and age, sit calmly at his mahogany-topped desk, announce he will accept the office of mayor, and hope to be elected. He must go out after the votes. This is where the factory worker and the man who

understands and plays the game of politics will win nine times out of ten over the business man.

A third reason why the business man hesitates to enter public life is that to do so means direct financial loss to him. Salaries paid to public officials are usually ridiculously small. The theory, so far as salaries are concerned, has changed but little since the town-meeting day. It has been generally held that it was a man's duty to give his services to the business of government for a very small compensation.

The private corporation with a capital stock of ten million dollars would pay its general manager fifty thousand dollars or even one hundred thousand dollars a year. Yet a city with an assessed valuation of one hundred million dollars has been accustomed to pay its general manager, the mayor, perhaps as high as two thousand dollars a year. It has cost him twice that sum to be elected. The business of government has, therefore, been merely a side issue to the private business by which a man earns his living.

The people are no longer willing that their public servants shall make a side issue only of the business of government. They demand that their servants shall give their time to public business, that the mayor shall be in his office when the worker comes in to ask a question. The worker must give his time and energy to his employer; he demands the same from his employee.

Thus the business man has not been willing to give his time to the business of government. This business, the most important and diversified in any city, has been operated and administered by men to whom a two thousand dollar salary looks big and who know how to get the votes.

## CHAPTER X

### OFFICIALS OF RECORD AND FINANCE

#### THE CLERK — THE TREASURER — THE COMPTROLLER

**I**N NO department of the business of government has mere vote-getting ability as a qualification for public office resulted in greater inefficiency than in the offices of record and finance. These are administrative offices in which only detailed organization can bring satisfactory results. Private enterprises pay big salaries to secure expert men for similar positions. But ability to get the votes is the only qualification demanded by the business of government.

The safety and rightful ownership of valuable property rights may depend entirely upon the officials of record. The duty of handling the financial system of the whole great corporation, of being able to account for the money paid in by the stockholders, who are all the taxpayers of the city, and so handling these funds that they may accomplish the most, is the duty of the officials of finance.

To protect property rights is a function of government. Preservation of vital statistics—births, deaths, and marriages—is necessary for this protection. Civilized nations for ages have recognized the necessity of collecting and preserving such records. Many different methods have been employed for accomplishing this. The Swedes, for instance, adopted the system of making the Christian name of the father the surname of the son with the

"son" added. This is why we find among the Swedes the Ole Olesons, the John Johnsons, and the Carl Carlsons. They mean, merely, Ole, son of Ole, and so on. By thus giving to the son the same Christian name as the father, the family name is preserved. This name was usually given to the eldest son who, under the ancient laws and customs, was the heir to the estate.

The more general method of maintaining the record of the family was through the church. Here was kept the record of births, deaths, and marriages, forming a legal record for determining property rights. The church kept the record for the early American colonists, but to preserve them was soon recognized as a function of government. It became even more necessary for the government to control these records when regulations concerning marriages and for the burying of the dead were adopted.

As it was the recorder of the church who kept the statistics, it was natural that the public official assigned to the same work should bear a similar title. Moreover, the increasing activities of the town meeting made necessary the keeping of an official record of its proceedings. The village recorder or clerk thus became one of the earliest public officials in American local government.

The clerk was, from the outset, an elective official. He received compensation either through a salary or through fees. His office was a most important one. In the southern colonies, where the county was the unit of government, it was usually the county clerk who kept the vital statistics. In the newer states it was sometimes the county clerk and sometimes the city clerk who kept them. States have generally taken over the supervision

of the collection and preservation of these records, and now it is usually with the state that the vital statistics will be found.

The growth of cities added many new duties to the office of clerk. The clerk became the secretary of the council. When the board system was organized the clerk, in the smaller communities, frequently acted as secretary to some of the boards. The issuance of licenses is usually a part of the duties of the clerk. He is also the keeper of the official records and documents, and he is the custodian of the official seal, which must be affixed to all contracts and other documents before they become valid.

The clerk is also usually the official upon whom devolves the duty of preparing the ballots for election, of keeping the ballot boxes, of sealing them before they are sent to the polling places, of receiving and tabulating the election returns. He also does whatever advertising the charter requires to be done. He posts the legal notices and preserves the ordinances.

Many cities have made the clerk a financial secretary also, performing duties similar to those of the comptroller. In this capacity he is a check upon the treasurer, issues warrants for payment of money, and must sign the checks or vouchers before they may be converted into cash.

As soon as it became necessary to collect money for the common good, it became equally necessary to choose a custodian of that money. Thus when the Puritans collected money in payment for the use of the common pasture land it became necessary to name a treasurer who should be custodian of the funds and disburse them in accordance with the orders of the town meeting.

In the early days the duties of the treasurer were not heavy, and to-day, in the smaller cities, they are not sufficiently burdensome to require all his time. But his duties, if properly performed, are among the most important in the municipality.

In the larger cities the treasurer has enough to do to keep himself and a considerable force of employees busy. He is the sole official in the well-organized city government with authority to accept a penny or to disburse a penny. He may disburse only upon warrant drawn and signed by the proper officials. Upon him rests responsibility for accounting for every penny of cash which comes into the city or which is paid out by the city.

The treasurer is the only official in the properly organized government who could abscond, for he is the only official through whose hands passes any actual money. He receives all the taxes, all the license money, all the fees of whatever sort. His books must show whence the money comes and where it goes. He is the financial head of the municipality.

The larger cities have another official of finance—the comptroller. He constitutes a check and a safeguard upon the treasurer. The comptroller handles no money, but deals in vouchers, warrants, and checks which become current only after presentation to the treasurer.

It is from the comptroller that other officials and employees and persons having business relations with the city secure their checks for their pay. They present these checks to the treasurer, and there receive their money or a stamp upon the check which makes it current.

The comptroller must keep books which must compare with those of the treasurer. He is the auditor of the



city, and the books of each department should compare with the books he keeps on that department. The comptroller is usually an elective official, and ought to be an expert accountant.

It is because the comptroller and the treasurer are generally elective officials that the business of government is so often conducted upon unbusinesslike lines. Because they are the men who can get the votes regardless of real qualifications for these highly technical positions, we frequently find the offices filled by men who are not even bookkeepers.

## CHAPTER XI

### LEGAL AND ENGINEERING DEPARTMENTS

#### THE TENDENCY - THE NEED

EVERY private corporation of consequence has its legal adviser. The larger the corporation, the better the legal adviser employed. Big salaries are paid these attorneys, whose duties are to represent the corporation in all legal affairs. They must defend the corporation when sued; they must look to its interest in whatever dealings it may have with city, state, or nation, as well as with other corporations and private individuals; they must scrutinize all its legal papers and see to it that any bonds it may issue are so legally safeguarded as to find a ready market; they must find out whether proposed investments are safe from a legal standpoint. Upon them may depend the success or failure of the corporation.

The city corporation is the largest in any municipality. Its investment includes all the property in the city. Its stockholders are all the people in the city. It, too, employs legal counsel. He is called the "City Attorney," or, frequently, the fact that government is business is echoed in giving to the legal adviser the title of "Corporation Counsel."

If the duty of the attorney for the private corporation is important, that of the attorney for the municipality is much more so. The city attorney must do all the things required of the counsel for the private corporation,

and must frequently meet that attorney in a battle of wits and of law.

The city attorney must be a criminal lawyer, for he must prosecute the offender against the city ordinances. He must be a commercial lawyer, for he must represent the city in its vast business pursuits. He must know corporation law, for he must frequently deal with the corporation which uses the city streets for the operation of its railroad, for the stringing of its light and power and telephone wires, for the laying of its gas or water mains. He must be prepared to fight for water-power rights if there is such power in the city. He must understand how to condemn property for the uses of the public. He must know franchises, for he will find nothing more important to the city than these.

In short, the city attorney must be prepared to meet and defend the interests of the city against the attorneys for every kind of corporation that may be represented or seek to be represented in the city. He must, in addition, act as legal adviser to the council and to the officials of all departments. He must be a parliamentarian. He must be prepared to pass instantly upon questions relative to the legal authority of the legislative body. He must know whether its ordinances and other acts will stand the test of the courts. He must be big enough and capable enough to represent the city on any legal matter that may come up, and in any court in the nation.

The ideal city attorney, therefore, ought to be not only as able a man as any corporation employs but a composite of all the attorneys employed by all the corporations. An inefficient man in the legal department may mean irreparable harm to the city. One franchise granted which contains a joker to the detriment of the city

means a long term of years through which the city must suffer for the error.

The city attorney is generally an elective official, though some municipalities name him through the legislative body. Whichever way the selection is made, political skill takes precedence over legal qualifications. It thus happens, all too frequently, that a city is brought into court to fight an important case against a private corporation which has grabbed a franchise, has stolen a water power, or has taken some other privilege in which the people of the city have a right to be interested, and finds itself defeated. Why? Because the city is represented by some young lawyer without experience, or by some attorney without sufficient ability to attract the attention of the private corporation but who did have the ability to get the votes to be elected.

On the other hand, the corporation appears represented by three or four of the best attorneys to be secured, attorneys who have had experience in the particular sort of thing under consideration, who have made that branch of law a lifelong study, who know every angle of the battle to be fought, who have prepared their case with the greatest care, and who are paid big salaries for winning.

It is largely because the attorney must go out and make a political campaign for perhaps a two-year term that the best lawyers, the kind the city ought to employ, are rarely found representing it. The private corporation employs its attorney for his ability, pays him an attractive salary, and keeps him employed year after year. The skilled attorney naturally prefers this sort of business, so the city must take the men who can't get the corporation retainer.

Thus the stockholders in the business of government appear in court day after day and year after year represented by lawyers they would not employ in their private enterprises. They sit calmly by and watch the defeat of their corporation and see themselves forced, perhaps, to pay out their money unnecessarily, all because they did not have the right kind of attorney.

What is said of the city attorney holds just as true of the city engineer. The engineer for the gas company needs to deal with nothing but the gas business. The engineer for the street-car company has only that particular kind of problem to trouble him. The engineer for the power plant has only water or electrical power to understand. But the city engineer has all these problems and many more in which he ought to be proficient if the city is to secure efficiency from his department.

The mere civil engineer will not do for the city. Cities are too large and have too many and varied engineering projects to deal with for that man to handle who is merely a civil engineer. To-day the engineer must not only know how to establish the grade line of a street, but he must know about the various kinds of paving material, and their wear under different kinds of traffic; he must know the cost of putting down these pavings, and advise the city which is the most economical for each given street.

The city engineer must know how to build sewers and how to measure the sewage so as to determine the size of the duct; he must learn of sewage disposal in order that he may advise the city on what sort of disposal plant to install. He must be a bridge engineer, if a river or creek or gully happens to pass through the city. He must understand hydraulics sufficiently to work out a

system of flood protection perhaps. He must understand waterworks systems and water-power plants. He must be able to advise and perhaps make plans for electric power and lighting plants and to install lighting systems. He must give his advice in grade separation matters, and be able to work out plans for viaducts and subways. He must understand the street-car and gas business sufficiently to meet the engineers for such companies on questions in which the city may be interested.

Frequently the city engineer must be an architect. He may be called upon to make plans for pavilions, comfort stations, lighting plants, filter plants, pumping stations, and perhaps municipal hospitals. He must combine in some degree all the knowledge of all the engineers working for the various kinds of private corporations. Like the city attorney, the ideal city engineer is the composite of all the various kinds of engineers.

Here, again, one finds too frequently the young and inexperienced engineer trying to do the work of the city. The salaries usually paid by the business of government are too small to attract the big engineer. He is employed by the private corporation, which pays him what he is worth and keeps him employed without fear of dismissal when the administration changes.

Thus are two of the most important offices in the business of government conducted. Their duties are arduous and exacting. The great need of most cities is that these positions shall be filled by the same kind of men that the private corporation employs.

## CHAPTER XII

### OFFICIALS OF PUBLIC SAFETY

CHIEF OF POLICE — FIRE MARSHAL — BUILDING INSPECTOR  
— ELECTRICAL INSPECTOR

THE watchman was a necessity to the Puritans because of the conditions under which they lived. His duties were many, and combined the religious with the warlike. He must watch for signs of hostile Indians and alarm the settlers to prepare for defense; he must watch for fires and summon the settlers to fight the blaze; he must inform these religious people that it was bedtime, and see to it that all lights were out.

The curfew had a real significance in the lives of the Puritans. When William the Conqueror went over to England from Normandy he decreed that at a certain time in the evening all his subjects must be in bed. The ringing of a bell was the signal to put out the lights.

The term "curfew" is derived from the French words *couvre feu*, meaning "cover fire." But "cover fire" had another significance besides putting out the lights. Matches had not yet been invented. The flint and steel was a slow method of starting a fire. It was therefore the custom to bury in ashes the embers on the hearth. They were thus kept alive until morning, when they were revived by the use of the bellows. Thus *couvre feu* meant not only to extinguish the lights and go to bed but also to cover the fire in order that it might be kept until morning.

The Puritans brought this ancient custom to the New World. It was one of the duties of the watchman to pass through the village at a given hour in the evening, ring his bell, and cry out the order to cover the fires and put out the lights. Failure to obey the order was a somewhat serious offense.

That watchman, therefore, became the first public official in the New England town. As the villages grew, his duties were increased. As laws were enacted, he was given power of enforcement. He became the village or town constable and real police officer. More duties and added responsibilities, and he became known as the village marshal, and the head of the police department in many New England cities is still called "city marshal." It was thus that the chief of police, the superintendent of police, the police commissioner, or whatever he may be styled, was developed from the humble watchman of the Puritans.

So important has the position become that men have made of it a profession. The village watchman, the constable, and the marshal were usually elected, but in the larger cities of to-day the position is of such vast importance that the head of the police department is removed as far as possible from political influence. He must be as carefully trained as the officer in command of an army. New York City, indeed, offered the position of commissioner of police to Colonel George W. Goethals, who had just completed the building of the Panama Canal.

Under the more modern forms of government, such as the commission form and the city-manager system, the chief of police may be secured from wherever he is to be found and because of his knowledge of the business.



It is a quite general practice, too, to select the real active head of the department by promotion of some member who from long service and experience is competent and familiar with local conditions.

As it was the duty of the watchman to give the alarm of fire and to call out the settlers to fight it, it soon became necessary that even the crude bucket brigade should be organized. The bucket brigade was merely a long line, or sometimes two long lines, of persons extending from a creek or well to the scene of the fire. The buckets were filled at the creek or well and passed along from man to man until they finally reached the blaze. Then the empty buckets were sent back to be refilled. All the men could not throw water upon the blaze. Neither could all fill the buckets. Organization was necessary, and the chief of the fire department soon became a public official.

With the advent of the primitive hand tub and other fire-fighting apparatus, the position of fire marshal was one of importance. The fireman was always a hero, and to be named chief of the department was always an honor much sought. It matters not whether the department is merely a bucket brigade, a volunteer department, or the great fire-fighting army of the modern city, the duties of the fire marshal are second to none in the community. His work has become a science and a profession. He must be a disciplinarian, for discipline and organization are as important factors in the modern methods of fire fighting as in the army.

The fire marshal's duty is not only to fight fire but to prevent it. He must, if he performs his duty well, be always on the lookout lest conditions conducive to a blaze are permitted to accumulate. He must enforce state laws

and local ordinances governing fire escapes and exits from public gathering places. He must prevent, if possible, storage of inflammable or explosive substances in places where they will constitute a fire hazard. He must prevent flimsy decorations in the stores at Christmas time, and keep the aisles free for persons to pass out quickly and safely. He must secure the most modern fire-fighting apparatus, and must be competent to keep his fire-alarm system in order. His duties increase annually, and no longer does he appear only at the time of a conflagration, but is always on duty seeking to prevent the start of that conflagration.

In the old days of the hand tub the fire marshal spent much of his time and energy at a fire urging to greater exertion the men who pumped the primitive engine. The fire marshal of to-day, when at a big fire, takes a point of vantage where he can observe all. His lieutenants come to him at intervals to report conditions and to receive his instructions. He is the general in command of the army of fire fighters. By a word or two he commands the blowing up of a building, the centering of the fight upon a given point, the disposition of his forces. He seldom takes an active part in the fight itself.

Because the experienced and competent fire fighter is not to be made out of every man, the fire marshal is usually an appointive official removed as far as possible from political influence. Like the chief of police, he may be hired from some other city or he may be promoted to the head of the department after having served long and efficiently in the more humble stations.

When the people were satisfied to build small structures, and land was so cheap that plenty of space

surrounded them, few if any restrictions were placed upon the kind of building erected or the manner of its construction. The growth of cities, the erection of great structures, and the increased fire hazard made necessary control over the kind of building and the kind of material used in it. The building inspector, then, became a necessary public official.

The building inspector in the larger cities is one of the most important officials, and usually works somewhat in conjunction with the fire marshal. It is his duty to see that buildings are strongly constructed, that they have sufficient fire escapes, that exits are adequate and free from obstruction, and that in certain districts, at least, the buildings are of fireproof construction and meet with the requirements of such other regulations as the city may make. The building inspector, also, should be free from political influence. He should be a man of technical knowledge and ability.

Working with the fire marshal and the building inspector, we now find the electrical inspector. His office has been made necessary by the enormous increase in the use of electricity.

It is the duty of the electrical inspector to see that all wiring is safe, that it is so protected that the danger of a fire starting from it is reduced to the minimum, and that life is not endangered by contact with "live" wires. He is an official whose duties are increasing daily and who is steadily becoming more necessary to the safety of the public. Like the others, he should be removed from political influence, and should be thoroughly conversant with electricity and electric wiring.

## CHAPTER XIII

### OFFICIALS OF PUBLIC HEALTH

#### THE HEALTH OFFICER - THE PLUMBING INSPECTOR - THE INSPECTOR OF FOODS

**I**F YOU or your children are ill with a contagious disease it is no longer nobody's business but your own; it is the business of the public. It is therefore the business of the government.

In the old days, if a child were ill with scarlet fever, diphtheria, measles, or other contagious or infectious disease, his parents called a doctor, had the child treated, kept him indoors until the doctor said he was able to go out and go to school, and that was the end of it. It was the business only of the parents immediately affected.

All that is now changed. To-day it is the business of the city government to know when a child has a contagious disease and to prevent that contagion from spreading to other children. It is the business of the city to safeguard all the people of the city from the disease which one person may have. It is the business of the city also to prevent conditions which may breed disease, and to seek not only the disease itself but its cause, and to deal with the contagion at its source.

It is only within a comparatively few years that this has been recognized as a public duty. For hundreds of years governments have waged organized warfare against cholera, smallpox, and plagues of various kinds, but the

diseases of childhood, responsible for great loss of life and the crippling physically and mentally of countless children, have been considered a sort of necessary evil, the sooner had the sooner over with.

Perhaps more study is now given to the public health and to sanitation than to any other one feature of public life. Every city now recognizes it as a duty to protect its citizenship from disease. The city now assumes control over the personal habits and living conditions of the people. It commands you to keep clean personally and to keep your premises clean. It forbids you to maintain in your home conditions which may breed disease and endanger the health of your neighbor.

Every city at all progressive now maintains its department of health to accomplish these desired results. The health officer, usually a doctor who makes public health a study, is the executive officer of that department. He is generally an appointive official. He organizes his department with sanitary inspectors, quarantine guards, fumigators, and such other employees as he deems necessary to meet the requirements of the municipality.

His duties require him to know where there is contagion, to effect a quarantine of the patient and such others as have been exposed to the infection, and to keep all away from that place during the danger period. It is his duty also to learn the source of the contagion and to stamp it out at its source. If typhoid fever is the case in hand, he will look for a foul well or such other water supply as may be used; if the well is found infected, he will close it up. If it is measles, scarlet fever, or some of the other contagious diseases, he will, by strict quarantine methods, seek to prevent others from coming in contact with it.

Thus has the health officer become a most important official in the city—one whose duties are not only arduous but delicate, as he deals with the most intimate relationships of the people. He must be firm in his execution of the laws and regulations for the public welfare, but he must also use such tact as will not make him seem unnecessarily harsh in trying situations.

A mere physician in this position is not sufficient. The man who can successfully treat disease or who is a good surgeon may be an utter failure as a health officer. He must have executive ability to organize his department. Public health and sanitation are professions in themselves; the health officer must be a specialist in this particular.

The plumbing inspector, working with the health officer to a large degree, is equally important to the public welfare. He may well be an employee of the health department, for his duties fall naturally under the head of health regulations. Among the duties of the plumbing inspector is to see that all plumbing is sanitary, that the source of disease may not be planted in every home and every factory and every business house through unsanitary conditions. He must determine that plumbing is properly installed. It is usually a duty of the plumbing inspector to test plumbing in order that the property owner may be sure he is getting what he is paying for, and that his sanitary arrangements are properly installed and adequate.

It has recently been determined a function of government to protect the public against impure foods. The food inspector has therefore become one of the city's most important officials.

That many diseases are transmitted through diseased,

impure, or dirty food supply is an accepted theory. It is known that many of the diseases of childhood and much of infant mortality are due to impure milk. It has therefore become one of the chief duties of the food inspector to protect the milk supply. Regulations have been made in nearly all progressive cities governing the milk supply and the methods of handling it. No longer may the cow be milked in a dirty barn and into an open pail into which dust and dirt may fall. No longer may the milkman sell from a can, leaving his milk in an open vessel on the doorstep.

To-day the milkman must do his milking in a clean, light, and sanitary place. He must wash the udders of the cow and milk into a closed pail. He must cool the milk immediately, then place it in a sterilized and carefully sealed bottle. He must keep it cool on the road, and deliver it in the original bottle and at a low temperature. It is the duty of the food inspector to enforce these regulations.

In similar manner the common house fly is recognized as the greatest carrier of the typhoid fever germ. To prevent foodstuffs being exposed for sale in places where the fly may reach it is another duty of the food inspector. Flying dust is recognized as another means of conveying the disease germ, so foods must be protected from this menace also.

Tainted meats are constantly watched for and promptly confiscated when found. Markets must be kept clean and free from accumulations which may breed disease. It is the duty of the food inspector to observe bakeries, candy kitchens, hotels, and restaurants, and to make sure that not only the foods themselves are pure but that they are made, handled, cooked, and served in sanitary places.

Accumulations of filth and garbage are objects of especial watchfulness, for there may be the breeding place of disease.

Thus has the business of government recognized and taken charge of public health and sanitation. Each year sees more stringent laws and regulations—national, state and local—enacted for the protection of the public against disease. Competent and scientific men are in demand, and their work is of the greatest importance.



## CHAPTER XIV

### THE CAUCUS AND THE CONVENTION

#### THEIR ORIGIN — THEIR FAILURE

**L**OCAL election systems developed in the same manner as and in step with local government systems. Success and failure of election methods and of governmental methods depended upon exactly the same things.

When the New England towns had outgrown the town-meeting system the same difficulties were found with the election system. Election methods were therefore revised along with the form of government. Under the town-meeting system all the people assembled together named their officials. This was done by word of mouth, by the uplifted hand, or later by ballot. Methods were extremely simple.

When the town was divided into wards, each to be represented on the aldermanic council by one or more men, the election system was necessarily revised to apply to the new unit of representation. Ward elections took the place of township elections. The most natural method was to follow the principle of the town meeting made applicable to the smaller unit—the ward. Thus the people of each ward assembled, and by some simple method named the men who were to represent them on the aldermanic council.

The character of men available for public office changed as the towns grew in population. Issues appeared. One set of men wanted to construct a system of highways;

another objected to the expenditure of the money. One faction wanted to build waterworks; another was satisfied with the wells. Parties, whether political or personal, were formed upon these issues. Formerly jobs were assigned to men as their public duty; now candidates for the honors and emoluments of public office appeared. Men sought to represent the ward or to be especially represented upon the aldermanic council. Members of the council did more than serve; they now represented.

Issues, parties, and candidates made necessary a method of eliminating surplus candidates. Champions of issues and parties must be brought squarely into conflict. The main issue must be represented by a positive and a negative candidate. The elimination process thus made necessary a nominating system. Here each party would select its champion. One would favor the issue; the other would oppose it. The ward caucus and the city convention resulted.

The parties held their caucuses and conventions separately. Each made its own rules; each made its pledges to the people. These pledges, these statements of party stand upon the issues, constituted the party platform. Issues were soon made by parties. Originally, parties were made by issues.

The caucus had two duties to perform. First, it named its candidates for ward offices, the principal one being its representative on the aldermanic council; second, it named its delegates to the city convention. The ward caucus in its inception was thus ideal. It preserved the pure democracy of the town meeting in the smaller unit of the ward. The convention was the representative body composed of delegates from the several wards. In the convention were nominated candidates for those

offices to be elected at large through the city, the principal one being the mayor. It was the convention, too, which defined the issues upon which the party was to stand before the people. Issues were thus placed before men.

Ideal though the system was in theory, changed conditions, the advent of the candidate, the ambition to serve, the desire of certain factions and interests to be especially represented, resulted in manipulation and in trickery by which to gain control. Organization became necessary to success. Party machinery was the outcome.

A principal part of this machinery was the city and ward committees. These committees called the conventions and caucuses. The chairman of the city committee called the convention to order and called the temporary chairman to the chair. The temporary chairman, after delivering what was known as the keynote speech, named the committees on credentials, permanent organization and order of business, and resolutions.

Tremendous power was thus placed in the hands of the city committee. From this grew the abuses which finally resulted in the overthrow of the entire system. The temporary chairman was a man picked for the purpose, and satisfactory to the city committee. By giving the temporary chairman power to name the committees, the city committee, through him, was given power to determine who had rights to seats in the convention, to name the permanent chairman, and to dictate the resolutions or platform which were usually drafted by the city committee in advance of the assembling of the convention. Thus was the entire control of the convention machinery placed in the hands of the city committee, particularly of the chairman, who gained great political power in the community.

The chairman of the ward committee acted similarly in the caucus within the limitations of the work to be done by the caucus. He called the caucus to order and was, more often than not, made chairman and presided over its deliberations. Since the caucus was a mass meeting and not a representative body, no committee on credentials was needed. Neither was it necessary to name the committees on permanent organization and order of business, nor on resolutions. Resolutions were not generally adopted by the caucus. It was, however, the practice to name a committee on delegates to the city convention. This committee, usually determined beforehand, named delegates satisfactory to the organization, thus making the city committee's control over the convention more complete.

It was in the ward caucus that the greatest abuses were developed. So great were they that the term "caucus" to-day bears an unsavory significance. Control of the caucus was necessary to control of the convention; it was here, therefore, that trickery and corruption were most flagrant.

The "snap" caucus and the "packed" caucus were the two best known and most easily manipulated methods of controlling the situation. The former method was operated by the ward committee. Whenever there was danger of a strong opposition to the organization candidate, the ward committee would, without warning, call a caucus. Only the organization and the candidates of the organization would know in advance when and where the caucus was to be called. The opposition, having no previous knowledge, would have no time for picking candidates or for organizing. In most instances, therefore, the opposition would make no fight.

The "packed" caucus was a different matter and frequently resulted in a rough-and-tumble fight. The caucus was usually held in a vacant store or small hall. The faction desiring control would reach the hall early and fill it with its own partisans. Few, if any, of the opposition would be able to gain admission. With the ward chairman or a man of his choosing presiding, business was hurried through as rapidly as possible, votes being taken *viva voce*. The strong-lunged partisans of the packing faction, aided by the carefully trained ears of the presiding officer, could easily carry whatever motions and nominations were satisfactory to the controlling faction.

These and other similar abuses brought the entire system into disrepute. The will of the people was disregarded. Manipulation by a few crafty and oftentimes unscrupulous men was substituted therefor. The demand became overwhelming for some system in city, state, and nation by which the nomination as well as the election of public officials should be placed directly in the hands of the people.

The primary election was adopted as the solution.

## CHAPTER XV

### THE PRIMARY

#### ITS EVOLUTION - PRESERVING PARTY INTEGRITY

**E**LECTIONS in the United States have always been by the people. The election system for nation, state, and municipality was early perfected and safeguarded. Comparatively few have been the instances of corruption in the actual election of public officials. Strangely enough, the charges of corruption and that the people did not rule have almost always been made not against the actual election to office but against the nomination to become a candidate for election to office. This portion of the election machinery has not yet been perfected; it is still in the process of evolution.

Not until 1912 did various states recognize the demand for popular nominations to a sufficient extent to place directly in the hands of the people the naming of delegates to the national presidential conventions. Not yet, even, has the nation placed the naming of the presidential candidates of the several political parties altogether in the hands of the people of those parties. The reason for this is that in the United States issues are made by parties. Government is by party.

The movement toward nominating candidates by direct popular vote began with the smallest unit—the municipality. The caucus and convention system was purely a party expedient; it had no standing in law. Each political party conducted its caucuses and conventions in

accordance with self-made rules. Trickery, corruption, and the ignoring of the will of the masses of the voters brought a demand for a change. The people insisted upon the right not only to elect but to nominate their officials. The primary election resulted. With its development the political party and its method of nominating its candidates were given legal standing. The right of the political party to make its own rules in state and municipal affairs was taken away and enacted into constitution and statute.

The problem of the primaries was worked out by the legislatures of the states. When the first demands for a primary were made, the home-rule-for-cities principle had not been generally recognized. City charters were then made by the legislatures. Moreover, the methods applicable to cities were also applicable to the state. The demand for direct nominations for state officials had come simultaneously with the demand for municipal primaries.

Politicians who had long enjoyed the fruits and powers of the caucus and convention system, and those who were skeptical of the success of the primary principle, were willing, at first, to yield to its application only in the smallest unit. Cities, therefore, were given the primary before it was generally adopted by the states.

So skeptical were the lawmakers, however, that they generally did not force the new principle, but left it optional with each party whether it should adopt the primary machinery or not. They did not compel the parties to hold their primaries—if they chose to hold them at all—on the same day. Their right to make their own nominating rules was still recognized. Thus the first primaries were extremely crude.

The system became popular immediately. Legislatures were forced by public opinion to consider the primary seriously. They then sought to provide for the conduct of the primaries along lines as nearly as possible like those governing the elections. Recognizing the party still, it became necessary to protect its integrity. Methods were devised for confining participation in the party primary to the membership of each party. This proved the greatest problem of the primary.

Enrollment by party was the first plan devised. The city clerk or other official was required to keep books in which were preserved the name, address, and party affiliation of each voter. The voter, in order to become enrolled, was compelled to swear his intention to vote the party ticket under whose standard he was seeking to enroll. Upon presenting himself at the polling place on primary election day, the voter was given a ballot only if enrolled, and was given the ballot only of the party in which he was enrolled. (*Ballot A*, p. 75.) The ballots of the different parties were separate and of different colors.

A Democrat was, by this means, theoretically prevented from voting in a Republican primary, and *vice versa*. But the plan proved nothing but theory. It became a common practice in cities for the minority party to agree in advance upon its candidate for mayor, for example. This insured no contest in its own primaries. A large number of the minority party's members would then enroll under the majority party's standard, participate in its primaries, and materially assist in nominating the weakest candidate of that party. Thus the minority party secured an advantage in the election, when each man could vote as he liked. The minority party members



then voted for their own party candidate and against the weak candidate of the majority party whom they had assisted in nominating.

The system, too, proved extremely cumbersome and unsatisfactory. Enrollment books soon became much confused. Reënrollment became of frequent necessity. Men tired of going to the polls too often. Many refused to enroll. They went to the polls primary-election day only to find they were not enrolled, to be denied the ballot, and to be practically disfranchised.

The American citizen is jealous of his right to vote. He demands that his ballot shall be secret. He resented a system which gave any man the right to demand to know how he proposed voting at the next election. He declared it was un-American to force any man to divulge his political preference. The enrollment feature was eventually cast aside. Old-line politicians objected, for they saw the party structure crumbling. But the demand was insistent. It must be heeded.

Many other plans for preserving party integrity were devised. The new effort was to preserve the secrecy of the ballot, to avoid the necessity of the voter divulging his political preference but, at the same time, to confine the membership of each party to its own party ballot. The three most common methods were as follows:

*First:* The voter was given the ballots of each of the parties. In the secrecy of the election booth he marked the ballot of his choice and cast the unused ballots into a receptable for the purpose.

A variation of this plan was to give the voter a blanket ballot of all parties, each separated from the others by a perforation. He marked the ballot of his choice, tore it off, and threw the balance into the receptacle.

*Second:* The voter was given a blanket ballot of all parties. He marked and folded it just as he did the general election ballot. He was, however, restricted to voting for the candidates of but one party. His ballot became void if he voted for candidates of more than one party. (*Ballot B*, p. 76.)

To further safeguard this method it was sometimes required that the voter should designate his party preference at the top of the ballot in a square provided for the purpose. Votes for any candidates of parties other than that so designated were void, although the balance of the vote was held good. (*Ballot C*, p. 77.)

*Third:* The best usage, and that now more generally adopted, permitted the voter to vote for any candidate of any party he chose.

Thus he might vote for a Republican candidate for mayor, a Democratic candidate for city clerk, a Socialist candidate for alderman. It was required only that he should not vote for more than one candidate for a single office. He could not, for instance, vote for a candidate for mayor on both the Republican and Democratic tickets. Should he do so, both his votes would be void. The balance of the ballot, if correctly marked, would be good and would be counted. (*Ballot D*, p. 78.)

Thus has the primary-election system been developed. It is being brought nearer perfection each year. Some states are much farther advanced than others in this respect. From the outset the primary was a great improvement over the caucus and convention system. It placed the nominating system upon a legal basis. It placed the choice of party nominees in the hands of the rank and file of the party. It stripped the boss of his power. It broke down party organization in municipal

affairs. It took the city a long way toward a divorce from the politics of state and nation with which it should have no connection. It paved the way for the non-partisan election which eventually placed municipal elections upon a business basis.

## BALLOT A

Voted only by persons enrolled under party designated on the ballot. Ballot of each party of a different color. Incorrectly marked as to city clerk, and void as to that office.

## OFFICIAL PRIMARY BALLOT

Primary election, City of....., March 15, 19

## REPUBLICAN PARTY

Make a cross in the square ☒ in front of as many names for each office as is designated under the title of each office.

MAYOR Vote for one	TREASURER Vote for one
<input type="checkbox"/> William Jones	<input type="checkbox"/> John Doe
<input checked="" type="checkbox"/> Edward Smith	<input checked="" type="checkbox"/> Richard Roe
<input type="checkbox"/> Charles Johnson	
CITY CLERK Vote for one	ASSESSORS Vote for two
<input checked="" type="checkbox"/> James H. Flynn	<input checked="" type="checkbox"/> Frank A. Robinson
<input checked="" type="checkbox"/> Henry C. Bishop	<input type="checkbox"/> Charles E. White
<input type="checkbox"/> Fred L. Brown	<input type="checkbox"/> Michael H. Ryan
	<input checked="" type="checkbox"/> Thomas J. Bush

## BALLOT B

Given to all voters, no enrollment being required. Voters restricted to voting for candidates of but one party. A vote in more than one party, in some instances, voided the entire ballot. Incorrectly marked as to city clerk, and entire ballot is void as a result.

## OFFICIAL PRIMARY BALLOT

Primary election, City of....., March 15, 19

Make a cross in the square ☒ in front of as many names for each office as is designated under the title of each office. Votes may be cast for but one party only. Ballots marked for more than one party are VOID.

REPUBLICAN	DEMOCRAT	SOCIALIST
MAYOR Vote for one	MAYOR Vote for one	MAYOR Vote for one
<input type="checkbox"/> William Jones	<input type="checkbox"/> Samuel Davis	<input type="checkbox"/> Charles Edwards
<input checked="" type="checkbox"/> Edward Smith	<input type="checkbox"/> Patrick Doyle	
<input type="checkbox"/> Charles Johnson		
CLERK Vote for one	CLERK Vote for one	CLERK Vote for one
<input type="checkbox"/> James H. Flynn	<input type="checkbox"/> Martin Joyce	<input type="checkbox"/> James Hoogerhyde
<input type="checkbox"/> Henry C. Bishop	<input checked="" type="checkbox"/> William Pettis	<input type="checkbox"/> Fred Hovey
<input type="checkbox"/> Fred L. Brown		
TREASURER Vote for one	TREASURER Vote for one	TREASURER Vote for one
<input type="checkbox"/> John Doe	<input type="checkbox"/> Simon Dugan	<input type="checkbox"/> Chester Brown
<input checked="" type="checkbox"/> Richard Roe		<input type="checkbox"/> Martin Hughart

# THE PRIMARY

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## BALLOT C

Given to all voters, no enrollment being required. Voters designated their party preference in the squares at the head of the columns. Votes cast for candidates of any other party than that designated as the preference were void as to the office so voted for. Incorrectly marked as to clerk, and void as to clerk only.

### OFFICIAL PRIMARY BALLOT

Primary election, City of....., March 15, 19

Make a cross in the square ☒ at the head of the column to designate your party preference. Make a cross in the square ☒ in front of as many names for each office as is designated under the title of each office. Votes for candidates in parties other than that designated at the head of the column will not be counted.

REPUBLICAN <input checked="" type="checkbox"/>	DEMOCRAT <input type="checkbox"/>	SOCIALIST <input type="checkbox"/>
MAYOR Vote for one	MAYOR Vote for one	MAYOR Vote for one
<input type="checkbox"/> William Jones <input checked="" type="checkbox"/> Edward Smith	<input type="checkbox"/> Samuel Davis <input type="checkbox"/> Patrick Doyle	<input type="checkbox"/> Charles Edwards
CLERK Vote for one	CLERK Vote for one	CLERK Vote for one
<input type="checkbox"/> James H. Flynn <input type="checkbox"/> Henry C. Bishop <input type="checkbox"/> Fred L. Brown	<input type="checkbox"/> Martin Joyce <input checked="" type="checkbox"/> William Pettis	<input type="checkbox"/> James Hoogerhyde <input type="checkbox"/> Fred Hovey
TREASURER Vote for one	TREASURER Vote for one	TREASURER Vote for one
<input type="checkbox"/> John Doe <input checked="" type="checkbox"/> Richard Roe	<input type="checkbox"/> Simon Dugan	<input type="checkbox"/> Chester Brown <input type="checkbox"/> Martin Hughart

## BALLOT D

Given to all voters, no enrollment being required. The voter was at liberty to vote for any candidate on the ballot regardless of party. The only restriction was he should not vote for candidates for the same office in more than one party. If he did, his vote was void as to that office. Incorrectly marked as to clerk, and void as to clerk only.

## OFFICIAL PRIMARY BALLOT

Primary election, City of....., March 15, 19

Make a cross in the square ☒ in front of as many names for each office as is designated under the title for each office.

REPUBLICAN	DEMOCRAT	SOCIALIST
MAYOR Vote for one	MAYOR Vote for one	MAYOR Vote for one
<input type="checkbox"/> William Jones	<input type="checkbox"/> Samuel Davis	<input type="checkbox"/> Charles Edwards
<input checked="" type="checkbox"/> Edward Smith	<input type="checkbox"/> Patrick Doyle	
<input type="checkbox"/> Charles Johnson		
CLERK Vote for one	CLERK Vote for one	CLERK Vote for one
<input type="checkbox"/> James H. Flynn	<input type="checkbox"/> Martin Joyce	<input type="checkbox"/> James Hoogerhyde
<input type="checkbox"/> Henry C. Bishop	<input checked="" type="checkbox"/> William Pettis	<input type="checkbox"/> Fred Hovey
<input checked="" type="checkbox"/> Fred L. Brown		
TREASURER Vote for one	TREASURER Vote for one	TREASURER Vote for one
<input type="checkbox"/> John Doe	<input type="checkbox"/> Simon Dugan	<input type="checkbox"/> Chester Brown
<input type="checkbox"/> Richard Roe	<input type="checkbox"/>	<input checked="" type="checkbox"/> Martin Hughart

## CHAPTER XVI

### ELECTIONS

#### DEVELOPMENT OF THE SYSTEM — THE SAFEGUARDS

PERFECTION of the election system came rapidly in cities. It was at first perfected for the general government and was of necessity made use of by the municipalities. Thus the development of the election system was just the reverse of that of the primary. The election system came down to the municipality from the national and state government; the primary system had its beginning in the municipality and moved up. It will, doubtless within a few years, be adopted by the national government for the nomination of candidates for president and vice-president.

In the days of the town meeting, when the body of electors was small and men were chosen to office because it was their duty to serve, contests for office were not common. The nomination was then made from the floor and confirmed by *viva voce* vote or by the raising of hands. Even when there were contests the division was made by raising the hands or by the partisans of each candidate standing separately to be counted.

When men became candidates for office and several were in the field for election, when more or less manipulation became a feature, then voters began to demand that their expression of choice be secret. The ballot appeared. At first this was merely a slip of paper upon which each voter wrote the name of his choice and placed it in a hat or box to be counted with all the rest.



The political system kept growing. With its growth, abuses began to develop. Candidates for office began to supply to the voters the slips upon which the candidate's name was already written or printed. Regular voting places with locked and sealed ballot boxes, with regularly appointed election officials, became necessary. In those days candidates, their friends, and their hired workers stood around the polling places, even beside the ballot boxes, and placed in the hands of the voters as they came up the ready-made ballots. The voter would find his hands filled with ballots. He would select one, cast it, and throw the balance upon the floor.

Abuses grew enormously. Real battles were fought around the polling places. Candidates and their workers sought to prevent voters holding ballots of opponents from reaching the ballot box. Bloodshed was not unusual, nor was it unusual to find many more ballots cast than there were voters. Stuffing and repeating became common. The repeaters were factors in the stuffing. No check was kept upon the voters. It was common practice for a voter to fold several ballots together and drop them all into the box.

The repeater would go to the polling places several times during the voting hours, and vote each time. As the wards were created, it was common for organized bodies of unscrupulous men, paid for the purpose, to go around to the several voting places and cast their ballots in each of them.

To stop the stuffing, a ballot box was invented which drew a red line across the back of the ballot as it passed through the slot. Ballots folded within received no red mark and were thrown out.

To curb the repeater, registration was resorted to.

It was required that every person qualified to vote should, on a fixed day prior to election, enter his name and address upon the official registration book. As he cast his ballot on election day, his name was checked off and further ballots denied him.

The demand for secrecy grew stronger. The municipality took entire command of the situation, usually under a state law. It printed the ballots officially. The voter was handed his ballot by an election official instead of by a worker for a candidate. The voter took his ballot into a booth, marked it, placed it folded in the ballot box, and was checked from the registration list. This was the Australian ballot system. The names of all candidates for all offices were printed upon the ballot. This system is now in use in some form wherever popular elections are held. On this ballot, parties were recognized and party lines were drawn as tightly in the municipality as in the nation or state. The names of candidates were placed in separate columns under party insignia.

Immediately after the Civil War, party feeling ran high. The Democratic Party was, in the North, looked upon as the party of secession; the Republican Party was, in the South, looked upon as the party of abolition. For a voter in the North to vote a Democratic ticket was looked upon as little short of treason; for a voter in the South to vote a Republican ticket was looked upon similarly. It was quite generally the practice for the Republican Party to choose as its insignia or vignette at the head of its party column on the ballot the American flag or the picture of Abraham Lincoln. Other parties adopted similarly significant emblems.

Party organization was carried down to the smallest unit. The business of government in the municipality,

the local issue, was secondary to the party. Straight-ticket voting by means of a cross placed in the square at the head of the column for the purpose was the rule until the opening of the twentieth century. Men, especially the illiterate, looked for the party emblem and made their crosses beneath it. They thus voted for pictures rather than for men to serve them.

Perfection of the registration system, coupled with purifying the election laws, insured a practically clean election. The money influence, so easily applied under the earlier election forms, was minimized. Secrecy of the ballot, by which it was made difficult for a candidate to make sure the purchased voter had voted as he was paid for doing, tended greatly toward cleanliness in elections.

Attempts were made to keep track of voters through private distinguishing marks upon the ballot or through carefully systematized methods of folding the ballot. This proved so cumbersome and complicated as to be unsatisfactory. Thus the money influence as applied to individuals was materially lessened.

Money was used, is used, and always will be used to further the chances of the candidate with money to spend. It must be applied in a different way, however. It cannot, as formerly, be in sight at the polls. Party lines in municipal elections were materially loosened with the growth of the idea that municipal government is business. The issues of the nation are no longer considered the issues of the municipality.

Non-partisan elections were the next step forward.

## CHAPTER XVII

### THE BUSINESS ELECTION

#### NON-PARTISANSHIP — PREFERENTIAL VOTING — THE MAJORITY CANDIDATE

NEITHER the tariff nor any other national issue has anything to do with the improvement of streets, the operation of a waterworks system, the collection of garbage, or the stamping out of contagious disease. The political party and the issues of political parties have no place in the government of a city. Here the aim should be to place the business of government on a business basis, in the hands of business men, to turn out the product at the lowest possible cost and as nearly as possible one hundred per cent pure. Only in the last decade has this theory come to be recognized as paramount. Charter builders now almost all provide for the elimination of party lines in elections in the business of government.

It was James G. Blaine who said, with reference to party organization, "Organize every election precinct." That thought, carried into effect by the several political parties, is in large measure responsible for party politics in municipal affairs.

How to eliminate party politics has proved a problem of considerable magnitude. It has been difficult, because of that organization of every precinct, to secure the adoption of charter provisions which would render useless this portion of political organization.

Three election problems have arisen simultaneously :  
To eliminate partisan politics.  
To simplify election methods.  
To insure the election of the candidate preferred by the majority.

The advent of the primary election made it possible, and frequently probable, that the nominee in a hotly contested primary would not be the choice of a majority of the voters participating in that primary. He would consequently be much less the choice of a majority of the voters of the city at the election. It was a simple and popular trick for one candidate in the primary to split the strength of his opponent by placing a third or even a fourth candidate in the field. He frequently even paid the campaign expenses of these additional candidates. Thus the losing candidates, taken together, might have received a considerable majority of the votes cast, while the winner might be the least favored by the majority. A striking and extreme example of this was shown in Salem, Massachusetts, in 1909, when a mayor was elected by twenty-four per cent of the voters.

The primary and contingent election machinery also resulted in a multiplication of registration days, enrollment days, and election days. Voters were required to go to the polls so many times before actually electing their city officials that the primary was but poorly attended. How to so simplify the election machinery as to make it attractive to the voters became a serious problem.

Compulsory voting has been much discussed in many states and municipalities. One old-line politician, still believing in the old methods of "practical politics," suggested pasting a dollar bill on the back of each ballot as

a means of attracting voters to the polls. That suggestion in modified form has been taken into serious consideration in some localities. It has been suggested that a certificate be attached to each ballot which, when presented to the city treasurer, would entitle the holder to one dollar. The reverse action has also been seriously discussed. This provides a penalty of loss of right to vote at the general election unless the voter participated in the primary.

Simplification of the election machinery has proved the best method of keeping up interest and drawing voters to the polls. To accomplish the three ends—elimination of the political party, election of a majority candidate, and simplification of the system—several systems have been devised. Fundamentally they all resolve themselves in these:

*First:* Non-partisan primary and election.

*Second:* To declare elected without further voting the candidate for office who receives a majority of the votes cast for that office in the non-partisan primary.

*Third:* A preference ballot, by which the voter designates his second and third as well as his first choice.

Under the non-partisan system all candidates for an office are placed on the ballot, one under the other, without reference to political party. No party designation or reference is permitted upon the ballot. The voter has no picture or party emblem to guide him. He marks his ballot for the man only. (*Ballot E*, p. 89.)

It is the generally accepted practice in the non-partisan primary that any candidate receiving a majority of the votes cast for a given office shall be declared elected without further voting. If no candidate receives a

majority, the two candidates having the largest number of votes are the only ones entitled to places on the general election ballot. (*Ballot F*, p. 91.)

Various forms of expressing preference have been devised, and new systems are constantly making their appearances. Many of these are somewhat complicated. The more complicated ones secure the desired result—determining which candidate is desired by the greatest number of voters. But the American public wants to learn the result of an election immediately. The average voter is not content to wait even until the following day to learn who has been successful. Those methods which require considerable mathematical calculation, consuming two or three days' time, will not become popular in the United States.

On the other hand, the more simple forms of preference ballots and quick methods of counting them do not, in all respects, determine the will of a majority of the voters. The tendency of all preference ballots, however, is to simplify the election machinery by securing a result in one election.

Some of these preference ballots provide for an expression by the voter of his first and second choice. Some give an opportunity for a third choice. Still others make possible further choices.

The preference system is used in several ways. One method provides that the two candidates receiving the largest number of votes on first, on first and second, or on first, second, and third choices shall be pitted against each other on the general election ballot.

In some instances, and this is the preferable system, the candidate who receives the highest number of votes on first, on first and second, or on first, second, and third

choices is declared elected. Candidates gain their places on the ballot by petition, and but one election is held. In all instances the candidate who as a first choice receives a majority of the votes cast is declared elected.

Several methods of counting and determining the results are in use. Two fundamental systems, with several modifications, are usually employed in America. These are the Ware system, devised by Professor W. R. Ware of Harvard College and modified for use in Minnesota and Wisconsin by Daniel S. Remsen, and the Bucklin system, devised by James W. Bucklin of Grand Junction, Colorado.

The Ware or Remsen system is in use quite generally in European countries and in Australia, and, in the modified Remsen form, in Minnesota and Wisconsin. The chief modification of the Remsen system is that but two choices are given the voter. Under the fundamental Ware system the voter is given as many choices as there are candidates.

The Ware system provides that the names of all candidates for a given office shall be placed in a single column, one under another. The voter, by the use of numerals written after the name of each candidate, indicates his preferences as regards these candidates.

The result of the election is determined as follows: The first choices are counted. If no candidate has received a majority of the votes cast, that candidate who received the smallest number of votes is eliminated. His votes are then distributed among the balance of the candidates in accordance with the expressed preference of the voters. This done, if no candidate has yet received a majority, the candidate who now has the smallest number of votes is also eliminated and his votes distributed



among the remainder. This process is continued until some candidate has received a majority of the votes. He is then declared elected. If at any time two candidates reach a majority, the one having the largest vote is declared elected. (*Ballot G*, p. 92.)

The Bucklin system is in use in Grand Junction, Colorado, where it originated; in Spokane; Denver; Portland, Oregon; Cleveland, North Dakota, and some other localities. No candidate is eliminated under this system. The ballot is different from the Ware ballot also, but has been adopted under the Remsen modification of the Ware system. The Bucklin ballot provides three or more columns in which, by means of crosses, the voter expresses his preferences toward the candidates.

In determining the result of the election the first choices are counted. If no candidate has received a majority of the votes cast, the second choices are counted and added to the first. If no majority has yet been reached by any candidate, the other choices are counted and added in turn, until some candidate has received a majority of the votes cast. It frequently happens that more than one candidate will have a majority when the third or fourth choices are counted in. In this case the candidate receiving the largest number of votes is declared elected. (*Ballot H*, p. 95.)

By these several means a nearer determination of the will of a majority of the voters is arrived at. The voter has had an opportunity, at least, to say whom he would prefer to see elected if his first choice cannot be successful.

## BALLOT E

## NON-PARTISAN PRIMARY

This ballot is given to all voters. No party is recognized. The voter makes a cross in the square in front of the name of the candidate for whom he desires to vote. If he votes for more candidates for an office than the instructions on the ballot allow, his vote is void as to that office. The ballot below is incorrectly marked as to clerk, and is void as to clerk only.

## OFFICIAL NON-PARTISAN PRIMARY BALLOT

Primary election, City of....., March 15, 19

Make a cross in the square ☒ in front of as many names for each office as is designated under the title of each office.

MAYOR Vote for one	
<input type="checkbox"/>	William Jones
<input checked="" type="checkbox"/>	Edward Smith
<input type="checkbox"/>	Samuel Davis
<input type="checkbox"/>	Patrick Doyle
<input type="checkbox"/>	Charles Edwards
CLERK Vote for one	
<input type="checkbox"/>	Martin Joyce
<input checked="" type="checkbox"/>	Fred Hovey
<input checked="" type="checkbox"/>	Henry C. Bishop
TREASURER Vote for one	
<input type="checkbox"/>	Chester Brown
<input type="checkbox"/>	Richard Roe
<input checked="" type="checkbox"/>	Simon Dugan
<input type="checkbox"/>	John Doe
<input type="checkbox"/>	Martin Hughart

## EXAMPLE UNDER BALLOT E

Total vote cast for treasurer, 4,444.  
Necessary to constitute a majority, 2,223.  
Richard Roe receives 2,240.

Richard Roe, having received a majority of the votes cast for treasurer, is therefore declared elected.

Total vote cast for mayor, 4,888.  
Necessary to constitute a majority, 2,445.  
William Jones receives 867.  
Edward Smith receives 1,872.  
Samuel Davis receives 344.  
Patrick Doyle receives 1,586.  
Charles Edwards receives 219.

Smith and Doyle, having received the largest number of votes cast for the office of mayor, are eligible to places on the general election ballot (*Ballot F*). The other three candidates for mayor are eliminated. Bishop and Joyce, candidates for clerk, received the largest numbers of votes cast for that office, and consequently gain places on the general election ballot (*Ballot F*).

# THE BUSINESS ELECTION

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## BALLOT F

### NON-PARTISAN ELECTION BALLOT

The only candidates eligible to places on this ballot are those two for each office who received the largest number of votes for their respective offices in the non-partisan primary. No candidates for treasurer appear on this ballot, since Richard Roe received a majority of the votes cast for treasurer in the non-partisan primary election and was declared elected. No party emblems are permitted upon this ballot. Ballot below is incorrectly marked as to clerk, and void as to clerk only.

### OFFICIAL NON-PARTISAN ELECTION BALLOT

Charter election, City of....., March 15, 19

Make a cross in the square ☒ in front of as many names for each office as is designated under the title of each office.

<p>MAYOR Vote for one</p>	<p><input type="checkbox"/> Edward Smith <input checked="" type="checkbox"/> Patrick Doyle</p>
<p>CLERK Vote for one</p>	<p><input checked="" type="checkbox"/> Henry C. Bishop <input checked="" type="checkbox"/> Martin Joyce</p>

Ballot F being an election ballot, the candidate for each office receiving the largest number of votes is declared elected. As but two candidates for each office appear upon this ballot, the successful one must necessarily secure a majority of the votes cast.

## THE BUSINESS OF GOVERNMENT

## BALLOT G

## NON-PARTISAN PREFERENCE ELECTION BALLOT

(Ware System)

This ballot is given to all voters. No party is recognized. No party emblem is permitted upon the ballot. The voter designates his preference as regards the several candidates by making a numeral in the column following the names of the candidates. To express first choice for two candidates for the same office would void his ballot as to that office. Ballot below is incorrectly marked for clerk, and void as to that office only.

## NON-PARTISAN PREFERENCE ELECTION BALLOT

Charter election, City of....., March 15, 19

Put a figure 1 in the column opposite the name of your first choice for each office, put a figure 2 opposite the name of your second choice, and so on. Your ballot is spoiled if you put a figure 1 after the name of more than one candidate for a single office.

MAYOR	
William Jones	4
Edward Smith	2
Samuel Davis	1
Patrick Doyle	3
Charles Edwards	5
CLERK	
Martin Joyce	1
Fred Hovey	2
Henry C. Bishop	1
TREASURER	
Chester Brown	3
Richard Roe	1
Simon Dugan	4
John Doe	2
Martin Hughart	5

## EXAMPLE UNDER BALLOT G

Total vote cast for mayor, 4,888.

Necessary to constitute a majority, 2,445.

First choice:

Smith, 1,872.

Doyle, 1,586.

Edwards, 219.

Jones, 867.

Davis, 344.

No candidate has received a majority. Edwards has the smallest number of votes. He is therefore eliminated and his votes are distributed among the other four candidates in accordance with the expressed preference of the voters. The distribution of Edwards' 219 votes is as follows:

Smith, 25.

Doyle, 115.

Jones, 32.

Davis, 47.

These, added to the votes the candidates received on first choice, give the following standing of the candidates:

Smith, first choice, 1,872 plus Edwards' 25 equals 1,897.

Doyle, first choice, 1,586 plus Edwards' 115 equals 1,701.

Jones, first choice, 867 plus Edwards' 32 equals 899.

Davis, first choice, 344 plus Edwards' 47 equals 391.

Still no candidate has a majority. Davis has the smallest vote, and is eliminated. His 391 votes are distributed among the other three candidates in accordance with the expressed preference of the voters. That distribution results as follows:

Smith, 126.

Doyle, 158.

Jones, 107.

These, added to the votes the candidates received on first choice, plus the distribution of Edwards' votes, give the following standing of the candidates:

Smith, 1,897 plus Davis' 126 equals 2,023.

Doyle, 1,701 plus Davis' 158 equals 1,859.

Jones, 899 plus Davis' 107 equals 1,006.

No candidate has yet received a majority. Jones, having the smallest number of votes, now is eliminated. His 1,006 votes are distributed among the two surviving candidates in accordance with the preference of the voters. This distribution results as follows:

Smith, 312.

Doyle, 694.

These, added to the votes the candidates received on first choice, with additions from Edwards and Davis, give the following standing:

Smith, 2,023 plus Jones' 312 equals 2,335.

Doyle, 1,859 plus Jones' 694 equals 2,553.

Doyle has now a majority of the votes cast for mayor, and is declared elected.

BALLOT H  
NON-PARTISAN PREFERENCE BALLOT  
(Bucklin System)

This ballot is given to all voters. No party is recognized. No party emblem is permitted on the ballot. The voter expresses his first, second, and other choices by means of crosses in the columns designated. To express a first choice for more than one candidate for a single office, or to express more than one choice for a single candidate, spoils his vote for that office. The ballot below is incorrectly marked for clerk, and is void for that office.

OFFICIAL NON-PARTISAN PREFERENCE BALLOT

Election, City of....., March 15, 19

To express first choice of a candidate, make a cross in the column opposite his name designated as first choice. Make a cross in the column so designated to express your second choice. Make a cross in the third column to express your other choices. No candidate may be made more than one choice. No two candidates may be made a single choice. Ballots so marked are void as to that office.

MAYOR	First Choice	Second Choice	Third Choice
William Jones		×	
Edward Smith	×		
Samuel Davis			
Patrick Doyle			
Charles Edwards			×
CLERK			
Chester Brown	×	×	
Richard Roe			
Simon Dugan			×
John Doe			
Martin Hughart			



## EXAMPLE UNDER BALLOT H

Total vote cast for mayor, 4,888.

Necessary to constitute a majority, 2,445.

First choice:

Smith, 1,872.

Doyle, 1,586.

Edwards, 219.

Jones, 867.

Davis, 344.

No candidate has received a majority of the votes cast. The second choices are then added to the first. The second choices resulted as follows:

Smith, 479.

Doyle, 768.

Edwards, 1,067.

Jones, 1,422.

Davis, 1,152.

These, added to the first choice, give the following standing:

	FIRST CHOICE	SECOND CHOICE	TOTAL
Smith .....	1,872	479	2,351
Doyle .....	1,586	768	2,254
Edwards .....	219	1,067	1,266
Jones .....	867	1,422	2,289
Davis .....	344	1,152	1,496

The campaign between Smith and Doyle has been bitterly fought. Most of Smith's friends would prefer to see anybody elected rather than Doyle. Doyle's friends would prefer anybody to Smith. Their followers have therefore split their second-choice votes among the other three candidates. No candidate has received a majority yet, so the third-choice votes are counted in with the following results:

Third choice:

Smith, 102.

Doyle, 206.

Edwards, 1,119.

Jones, 1,932.

Davis, 1,529.

With these added, the count stands:

	FIRST CHOICE	SECOND CHOICE	THIRD CHOICE	TOTAL
Smith .....	1,872	479	102	2,453
Doyle .....	1,586	768	206	2,560
Edwards .....	219	1,067	1,119	2,405
Jones .....	867	1,422	1,932	4,221
Davis .....	344	1,152	1,529	3,025

All but one candidate now have majorities. The people have shown that if they cannot have as mayor their first choice, they prefer Jones. Jones is more acceptable to all the people than any other candidate. It is the general practice to declare Jones elected under this system. In some cities, however, it is required that Jones and Davis, the two candidates with the highest number of votes, shall go before the people again for a determination of the will of the majority between these two.

Still another method is sometimes employed in determining the choice of the voters under the non-partisan preferential ballot. In this case *Ballot H* is used as previously outlined, but each vote marked as first choice is given the value of three, second choices are valued as two, and third choices are valued as one. The three values added together give the total vote of each candidate.

Under the foregoing example the following would be the result:

	FIRST CHOICE	SECOND CHOICE	THIRD CHOICE
Jones .....	$867 \times 3 = 2,601$	$1,422 \times 2 = 2,844$	1,932
Smith .....	$1,872 \times 3 = 5,616$	$479 \times 2 = 958$	102
Davis .....	$344 \times 3 = 1,032$	$1,152 \times 2 = 2,304$	1,529
Doyle .....	$1,586 \times 3 = 4,758$	$768 \times 2 = 1,536$	206
Edwards .....	$219 \times 3 = 657$	$1,067 \times 2 = 2,134$	1,119

## TOTAL VOTE

	FIRST CHOICE	SECOND CHOICE	THIRD CHOICE	TOTAL
Jones .....	2,601	2,844	1,932	7,377
Smith .....	5,616	958	102	6,676
Davis .....	1,032	2,304	1,529	4,865
Doyle .....	4,758	1,536	206	6,500
Edwards .....	657	2,134	1,119	3,910

By this method of figuring, Jones, having received the largest number of votes, is declared elected.

## CHAPTER XVIII

### CORRUPT PRACTICES

WHAT THEY ARE — THEIR CAUSE — HOW THEY ARE CURBED

MEN to serve in the business of government are rarely sought. They seek, rather. Nor is their service generally rewarded with adequate pay. Unlike the official in the private corporation, the official in the business of government must not only seek his position at the polls but his expenses in securing even a small-salaried place are usually heavy.

The one great fault with the whole system of American government has always been the heavy expense of election and the small salaries paid public servants. Men have frequently spent more in securing an election to office than the office paid in salary. Wherever there has been dishonesty it could almost always be credited to the small salary received and the expense attendant upon securing the office.

If the election was expensive, the coming of the primary brought still another election which immediately proved more expensive than the final election. It early became apparent that some correction of the election system must be made, for otherwise the theory of the primary would be defeated. The primary, in theory, opened the doors to every American citizen to become a candidate for office. No longer could the leaders of a party pick one candidate to the exclusion of another. In reality, the primary system proved so expensive to the

individual as to close the doors to the man of slender means. The poor man might enter, but his chances for success were indeed small if he had no money to spend.

One writer, estimating the expenses of a state-wide primary in Michigan in 1910, gave facts and figures showing that the three Republican candidates for governor spent close to two hundred and fifty thousand dollars in the primary, and that the total expense to all candidates for all sorts of state, county, and congressional offices in Michigan that fall was upwards of a million dollars. The successful candidates in the primary still had to go before the people to be elected, after having spent this vast sum merely for a start.

Many means were resorted to by public officials to cover these heavy expenses. The candidate for office was usually able to find some sort of financial backing before he entered the field. The public-utility corporations and various other business enterprises, desiring for purposes of their own to be especially represented in the government of the city, were usually willing to contribute to the expenses of a campaign. The candidate, if elected through this financial backing, was expected to look after the interests of his backer. He thus became the servant of the corporation rather than of the people whose government it was.

That class of business which the business of government restricts, such as the liquor business, was usually willing to contribute liberally to the campaign of the man who would deal liberally with it. The candidate whose funds came from his friends was expected to repay those friends with jobs, honors, or influence. He was not a free agent, left unfettered to govern according to his own judgment.

It was customary for the city official seeking reelection to levy an assessment upon his appointees and the employees of the city. It soon became customary even to take from the envelopes of the employees a certain percentage of their pay to be used to keep the political organization in working order. No secret was made of this system; it was argued that the men were merely contributing to the upkeep of a machine which kept them in jobs. The employees, anxious to retain their positions, were usually willing to contribute to the organization and to the campaign of the man who had the giving out of the positions.

It became a custom for the mayor to levy upon all officials and employees—the policemen, the firemen, the street cleaners, the garbage collectors, the inspectors, clerks, and employees of all sorts—a certain tribute proportionate to the pay received by each.

It was in this way that great political machines were built up. It was through this method that systems of graft were developed in some cities. Policemen, inspectors, and other employees collected tribute from those with whom they had to deal in order to make good the tribute assessed against them by the organization. Some political machines required so much to keep them in operation that the collection of graft money was ordered by the chief of the political organization. It was because of these corrupt methods, all coming originally from the necessarily heavy expense of the political campaign, that corrupt-practices acts also became necessary.

The corrupt-practices act seeks two ends:

*First:* To restrict the expenses of election to such a degree that contributions need not be asked of

corporations, business interests of any kind, or of employees of the city.

*Second:* To prevent the building up of political machines through the activities of municipal employees in election matters.

These two aims successfully accomplished, corruption in both office seeking and office holding is usually prevented. They are brought about in different ways.

The campaign expenses of a candidate are usually limited to a percentage of one year's salary in the office sought. This limitation may be fixed at from ten to twenty-five per cent. Contributions are prohibited from public-utility corporations, or from any official or other person interested in any corporation having or seeking a franchise, contract, or other business connection with the city. Contributions are prohibited from liquor or other interests, or persons who may be forced to take out licenses from the city. Employees of the city are prohibited from contributing to campaign funds. Expenditures are limited to sending out circulars, to rentals of halls for public meetings, and to legitimate advertising; and even this latter may be restricted.

Some cities have prohibited all expenditures by candidates, undertaking to conduct the campaign at the expense of the city. In such cities all candidates are given an equal amount of space in a pamphlet in which to set forth their views on public questions, to make their pledges to the people, and to announce their platforms. These pamphlets are printed and mailed to each elector at the expense of and under the supervision of the city.

As a final check upon expenditures in those cities which do not conduct the campaign themselves, the candidates

are required to file for publication an itemized list of all contributions and all expenditures. It is frequently provided that a statement shall be filed immediately before election in order that the voters may know who have contributed, and another statement immediately after election in order that the expenses of the last days of the campaign may be made public.

Officials and employees of the city are prohibited from taking any part in the campaign of any candidate other than themselves. The promise of appointment to position in the city government is forbidden on the part of any candidate. The aim is to remove the job from the campaign, as far as possible. This makes possible the employment of minor officials and employees for merit rather than for political influence or service, and secures the election of the official because of his fitness rather than because of his financial or political ability to build up a machine.

Penalties of fine and imprisonment are usually provided for violation of corrupt-practices acts. The candidate who violates them is generally held ineligible to take the office to which he may have been elected, and officials and employees holding office who violate the corrupt-practices acts are usually punished by the declaration that their offices are vacant.

## CHAPTER XIX

### THE SHORT BALLOT

#### ITS ADVANTAGES — ARGUMENTS AGAINST IT

GREATEST progress in the business of government has been made since the dawn of the twentieth century. As the business of government has developed, so have the problems relating to that business increased. The result has been the formation of many organizations, the objects of which are to study these numerous problems and the various phases of municipal government.

These two theories among all the other problems have attracted more than ordinary study and argument:

*First:* To place all government and the election of officials directly in the hands of the people.

*Second:* The short ballot.

These two theories, if one chooses to do so, may be placed directly opposing each other; one may be used as argument against the other by the person so desiring. Each theory has an abundance of logic in its support; each theory may be supported by seemingly indisputable argument.

The development of the business of government brought a constantly increasing number of public officials. From the outset these officials were elected by the people. This is fundamental to American government.

The adoption of the board system brought many appointive officials and what seemed a removal of the direct control of the business of government from the



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The adoption of the board system brought many appointive officials and what seemed a removal of the direct control of the business of government from the

hands of the people. This produced widespread dissatisfaction. It was claimed that these officials were too far removed from the people, and were likely to be unresponsive to their will.

The cure for this malady in the business of government seemed to be to make all officials elective. Then, if the official did not give satisfaction in office, he could be held responsible when next he came up as a candidate for election.

The placing upon the elective list of all these officials made a cumbersome and confusing ballot. This was soon recognized in most cities. To shorten and to simplify the ballot, many cities fixed the terms of office at two years and divided the officials in such manner that only a part of them would be elected each year. The theory of the short ballot was thus recognized. The mayor, the city attorney, and half the aldermen, perhaps, were elected one year; the clerk, the treasurer, the comptroller, and the other half of the aldermen were, perhaps, elected the next year. But this brought still another problem. Most municipal elections are held in the spring. The primary, being conducted in practically the same manner as the election, made two spring elections annually. Every second year, in most states, are held the county elections, and every second year in the fall are usually held the state and congressional elections. Thus on every alternate year there were four elections, a primary and election for the city in the spring, and a primary and election for state, county, and congressional officers in the fall. This proved irksome to the people; elections were too frequent. Manufacturers were too often asked to close their plants or to shorten their working hours in order that their employees might go to the polls.

Greatest interest was shown, of course, in the choice of mayor. The year in which he was elected a big vote was polled, while the year in which the minor officials were elected soon came to be characterized as the "off year." Little interest was taken in the choice of officials elected in that year.

Here were two evils. First, the people took so little interest in the "off-year" elections that comparatively few went to the polls; second, the multiplicity of officials and elections, coupled with this lack of interest, resulted in many persons not knowing who were the minor officials in their own business of government.

Then came an organized effort to bring about what was known as the short ballot. Associations to promote this theory were organized all over the country, and the Short Ballot League, national in its scope, was formed.

Arguments in favor of the short ballot are many. Two fundamental arguments are, however, strong enough to give the theory substantiality.

*First:* There should be upon the ballot so few names to be voted for that no man could become confused. Every man ought to be able to mark his ballot quickly and intelligently, and be able to tell later, if he chose, just for whom he had voted for each office.

*Second:* By electing but few officials, and holding these few responsible for the acts of other officials and employees whom they might appoint, the responsibilities of the business of government are centralized. Nobody need doubt who is at fault when something goes wrong in the business.

Right here those who oppose the short ballot find their argument. The right of the people to nominate and elect

all their officials is now recognized by everybody. The tendency of modern government is to return to the hands of the people the direct control of the business of government. The cry is raised that through the short ballot this direct control is being taken away again. It is charged that the control given by the primary, by the initiative, referendum, and recall, is being taken away through the centralization of power and the short ballot. It is charged that while the "ring rule" of the caucus has been broken up, "ring rule" in the government by the few is fostered by the short ballot.

The argument is good campaign material. It sounds well to the man whose ear is trained to catch the political cry, "Let the people rule." This has made the adoption of the short ballot a difficult task. The fallacy in the argument lies in linking together the two theories and the two arguments. They are two separate theories; both may be brought into practice without conflict.

This has been accomplished through the commission plan of government and through the city-manager system. If it is determined that but a few officials shall be held responsible for the administration of the business of government, that these few officials shall be nominated and elected through the primary system, that a recall shall be attached, and that the initiative and referendum shall be preserved to the people, the business of government is kept directly and firmly in the hands of the people. Moreover, they know just whom to hold responsible if the business of government is not properly conducted. The theory of the short ballot is automatically established; there need be no confusion at the polls; lack of knowledge as to who are the city officials becomes inexcusable.

## CHAPTER XX

### HOW TO ELECT

BY WARDS — AT LARGE

**W**HETHER aldermen and commissioners should be elected by wards or at large in the city has come to be one of the most disputed problems of municipal government. Wherever a municipal charter is being revised, this question is early brought squarely to an issue.

When the representative form of government first became necessary, wards were formed in order that each small unit might hold a little town meeting of its own and be sure of representation on the aldermanic council. The theory was that, by this means, all sections of the city were securing representation and the reins of government were being kept in the grasp of the people.

Much may be said and much has been said both for and against the ward system in the modern city. If there is to be a legislative body at all, if that body is to have no functions except legislative, if that body is to have no power, directly or indirectly, of appointment or employment, more may perhaps be said in favor of maintaining the wards and of electing the legislative body by wards or districts.

The legislative body should be representative of each class, each nationality, and each section of the city. The same reasons for the wards will apply as when the wards were first formed. At that time the Irish and the French

constituted the great bulk of the so-called foreign element in the New England cities. They took up their residences in certain sections of the city. There they maintained many of the customs and modes of living of the fatherland. They had their own notions of what they wanted in the way of government. As they became citizens, they desired to share in the formation of the laws, to hold public office, and to exercise and enjoy all the rights of citizenship. They controlled, by forming the majority of the population, certain wards of the city. They elected men of their own nationality to the aldermanic council.

These conditions prevail in every city to-day. We find the wealthier classes residing in some favored portion of the city; the factory employees will usually be found living in the vicinity of their places of employment. So, too, the people of the several nationalities will flock together. The Germans will locate in one section, the Swedes in another, the Italians will congregate in still another, and the Polish people will keep pretty much to themselves, and so on.

Each class and each nationality has interests of its own. Each demands, and has a right to demand, representation on the legislative body. Each desires certain kinds of legislation. Each has a right to be in position to be heard and felt by his voice and his vote.

Few of the big business men would consent that all laws be enacted by the factory workers. It would not be good public policy that this should be so. Few factory workers, mill hands, clerks, or laborers would consent that all legislation be enacted by the factory owners, the bankers, and the big merchants. This would not be good public policy, either.

In a given city a certain nationality may predominate to such a degree that by its united strength it might control the legislative body if the members of it were to be elected at large. The other nationalities would soon be discontented with the resultant exclusion. By electing by wards, the Polish people who predominate in one section of the city may send a Pole to the legislative body, the Germans may send one of their nationality, the merchants may be represented from among their number, and the Swedes and other nationalities and other classes may secure a voice and a vote through this system of election.

But there is another side to the question. Arguments against the ward system are equally potent. As the cities grew and party politics became a factor in municipal government, this ward system became subject to great abuse. "Ward politician" and "ward heeler" became terms most uncomplimentary in significance. Ward aldermen then had administrative duties. They had power to appoint and to employ. They named highway commissioners, street cleaners, sidewalk inspectors, garbage collectors, and numerous other minor employees of the city. These formed a small army of workers in the political machines of the aldermen. Men were appointed not because of fitness to perform their duties or because the city needed their services but because they could deliver the votes on election day. It was through them that the comparatively few instances of corruption were made possible.

It was the charge, too, that the ward alderman represented only his ward, that he had no thought for the general welfare of the city. It was a frequent practice for one alderman to trade his vote with others in order



that he might secure the passage in the council of some measure in which he was particularly interested but which might not be for the general welfare.

These evils were very largely done away with when administrative functions were taken from the aldermen, and the administrative and legislative bodies were entirely separated. Under the city-manager system these evils were practically all abolished. When all appointing and all employing are left to the city manager, and the legislative body is given no control over him, the alderman is shorn of his power for administration. Under these circumstances, less is to be said against the ward system than otherwise.

Most commission cities elect their commissioners at large; the ward lines are wiped out. It is felt that the commissioners, when elected at large, have no interest in any particular section of the city but will act for the welfare of the whole community. Some cities have adopted a compromise. The city is divided into as many districts as there are commissioners to be elected, and one commissioner is elected from each district. This insures each section having representation upon the commission. Strictly speaking, the districts are wards, but on a larger scale than the original ward organization.

The old-line politicians have always been loath to see the ward lines go, for it was here in these small units that they gained their power. This fact is, perhaps, the greatest argument against the ward system. Party politics has no place in the business of government.

## CHAPTER XXI

### CITIZENSHIP

#### WHAT IT MEANS — HOW IT IS ACQUIRED

**C**ITIZENSHIP ought to be and usually is the most prized right of the resident of the United States. It means more than mere residence in the nation; it means more than wealth or high standing in the community. Citizenship, in the legal sense, means the right, not to be denied, of participating to the fullest degree in the government of city, state, and nation. Only the legal citizen may vote and hold office. He may hold any office in the nation, from the humblest in the smallest village to the presidency.

The citizen, too, is entitled to the protection of the flag of the United States wherever he may be. In any portion of the world his life, his liberty, and his property will be protected even if it becomes necessary for the government to use the armed forces—the army and navy—to accomplish it.

Legal citizenship is acquired in two ways: first, by birth; second, by naturalization.

Every person born in the United States is a full citizen entitled to every right, regardless of the race, color, nationality, or religious belief of his parents. Every child born of American parents but on foreign soil is entitled to the same rights of citizenship as if he were born within the United States.

The American citizen may forfeit his right only by

renouncing it and swearing allegiance to a foreign government. Even this is not permitted when the United States is engaged in war.

Citizenship by naturalization is not so easy to acquire; once acquired, however, it is equally potent and valuable. To become naturalized has been becoming more difficult constantly. Originally the states were permitted to accept as citizens whatever foreign-born persons they chose to under their individual laws. Later the federal government assumed the control of all naturalization. From that time the requirements under which a foreign-born person might become a citizen of the United States have been made more and more difficult.

Control of all naturalization is now vested in the Bureau of Naturalization of the Department of Labor. Rigid laws have been enacted by Congress setting forth the requirements and procedure by which aliens become eligible to naturalization.

Certain classes of persons are now prohibited from acquiring citizenship.

The Chinese may not be naturalized. It was thought best for the protection of American laboring men that the Chinaman, accustomed as he is to a very low wage, should not be permitted to compete with American labor. The naturalization laws, therefore, limit the right of naturalization to white persons and to those of African descent.

The anarchist—the person who does not believe in organized government—is excluded from citizenship. Even though he may not be a full believer in anarchy, if he belongs to an organization whose teachings are opposed to organized government he is excluded from naturalization.

The polygamist or the believer in plural marriages is not eligible to naturalization.

No citizen of a country with which the United States may be at war may be naturalized.

No person may be naturalized unless he first renounces his allegiance to all foreign governments and swears allegiance to that of the United States.

No member of the nobility of a foreign country may become a citizen of the United States unless he shall first renounce his titles and orders.

How may a foreign-born person become naturalized? Three steps are necessary:

*First:* He must make his declaration of intention in a court of record in the jurisdiction in which he lives. He must be at least eighteen years of age, swear it is his intention to become a permanent resident of the United States, renounce forever all allegiance to any foreign government, set forth his name, age, personal description, occupation, place of birth, last foreign residence and allegiance, the date of his arrival in this country, the name of the vessel in which he came, and his place of residence in the United States.

*Second:* Within seven years and not less than two years after filing his declaration of intention, he must file his petition for admission. At this time he must set forth again all the facts contained in his declaration and, in addition, must state when and where his declaration was filed; if married, he must give the name and birthplace of his wife and his children. He must state that he believes in organized government, is not a member of any organization which teaches opposition to organized

government or violence to recognized authority, that he is not a polygamist or a believer in plural marriages, and that it is his intention to reside permanently in the United States.

He must present two witnesses who are citizens, who have known him in this country for at least five years continuously and as a resident of the state in which he seeks citizenship for at least one year immediately preceding his application. These witnesses must swear to the facts as set forth in the petition, and that the petitioner is a man of good moral character and qualified in every way to become a citizen.

*Third:* He must go into open court and pass an examination to show whether he understands the American system of government, whether he is of good moral character, whether he has been guilty of a violation of any of the laws of the state or nation, and he must swear to support the constitution and laws of the United States and to defend them against all enemies, either foreign or domestic. He must renounce his allegiance to any foreign government and any orders of nobility he may have. This done to the satisfaction of the court, the petitioner is given his certificate of naturalization. Thereafter he enjoys the same rights of citizenship as the man born in the United States.

Citizenship as it relates to women and children has become extremely interesting since women have been granted suffrage in so many states. It has been the subject of many acts of Congress, many decisions of the courts, and many rulings by the Bureau of Naturalization.

Naturalization of a man carries with it naturalization of his wife and minor children.

If a man who has filed his declaration of intention dies before he has secured his final papers, his widow and his children above twenty-one years of age, who were minors at the time the father filed his declaration, may take out their final citizenship papers without filing an additional declaration.

A married woman may not become naturalized while living in the marital relation.

An unmarried woman may be naturalized by the same procedure as a man.

The widow of a foreign-born man who was not naturalized may take out citizenship papers in the same manner as a man.

If a foreign-born woman marries an American citizen she becomes an American citizen by virtue of her marriage. If the marital relation is terminated, she retains her American citizenship if she remains in the United States unless she formally renounces her citizenship before a court having authority to naturalize. If she does not live in the United States, she may retain her American citizenship if, within a year, she registers as an American citizen with a United States consul.

If an American woman marries a foreigner she loses her American citizenship and assumes the nationality of her husband. At the termination of the marital relation the woman may resume her American citizenship by registering with a United States consul, if abroad, or by returning to the United States to live.

Any naturalized citizen who lives two years in the country from which he came, or five years in any other foreign country, is deemed to have lost his American citizenship. He may protect his right by making proper representation to a consular or diplomatic agent.

Soldiers, sailors, and marines in the service of the United States are granted citizenship upon somewhat modified conditions. They are granted citizenship without filing a declaration of intention. The honorable discharge from the service takes the place of the declaration.

Considerable protection is guaranteed to the man who has only filed his declaration of intention but has not received his final papers. The Secretary of State of the United States is authorized to grant passports to such persons. These will secure him the protection of the United States in a foreign country. But the passport in this circumstance is good for but six months, and cannot be renewed. It is not good in the country from which the alien originally came.

## CHAPTER XXII

### SUFFRAGE

#### RESTRICTIONS ON VOTING — RIGHTS OF WOMEN

**S**UFFRAGE—the right to vote—is not and never has been equal in the United States. To preserve the purity of the ballot, to make citizenship mean something, it has been necessary to place certain restrictions around the right of franchise. Just now most attention is attracted to the question of whether or not woman shall have an equal right with man in the business of government. Shall she be permitted the same full right to the ballot that man enjoys? Shall she be permitted an equal right with man to hold office?

It is not woman alone who has been from the outset discriminated against. In the colonies the right of franchise was limited. Free men only were permitted to vote and to hold office. In those days not only was slavery recognized, but boys and girls were “bound out” for service in homes or to learn a trade. Men were forced to work out their debts, and by other similar means a considerable class could not claim the rights of free men.

Property qualifications were also common. It was frequently provided that a man, in order to enjoy the right to vote, must not only own land free from incumbrance but must own a certain amount of land. Many other restrictions of a similar nature were, even then, cast around the right of suffrage.



Negroes in the South, although now free and under the constitution entitled to the full rights of citizenship, are still denied the right of suffrage; state laws place such restrictions upon the right of franchise that no negro can qualify under them. To be sure, the United States supreme court has held these laws unconstitutional, but they are, nevertheless, enforced.

All Asiatics in California and other Pacific Coast states are excluded from the right of suffrage by laws similar to those in force in the South.

Persons not born in the United States, and who have not been naturalized, are denied the right to vote even though they may have lived many years in America and have acquired vast property holdings.

A poll tax is demanded in some states. A man otherwise legally qualified to vote may be denied his ballot until he has paid his tax. In all states it is required that the person seeking the right of suffrage shall be at least twenty-one years of age and be a resident of the state a certain length of time. City charters, too, generally provide that the person desiring to vote shall have been a resident of the city, ward, and precinct a given number of days before he may acquire the ballot.

Idiots, the insane, convicts, and those confined in jails and other similar institutions are denied the right to vote. Soldiers in the army and sailors and marines in the navy have no vote because they have no permanent place of residence. Residents in the District of Columbia may vote only upon returning to the state from whence they came and which they claim as their legal residence.

Qualifications relative to age and citizenship and residence are necessary to preserve the integrity of the ballot.

The discrimination against woman consists in denying her the right to qualify.

Until comparatively recent years there has been little or no demand in America for the ballot for woman. To be sure, Wyoming gave woman the ballot as early as 1869, but no agitation came from other states for more than twenty years. The sentiment generally was that politics was no place for woman. Woman acceded to this sentiment without protest. But now the time has come when woman demands that she be taken from the class of the convict, the idiot, and the alien, and be given the same share in the business of government that man enjoys.

The movement, like most so-called progressive principles of government, started in the West. Wyoming had adopted women's suffrage in 1869. In 1893, Colorado, and in 1896, Utah and Idaho, followed. Little agitation was heard on the subject until, in 1910, Washington adopted the principle. The following year, 1911, California granted the ballot to women, and the agitation became keen. In 1912 three states, Oregon, Arizona, and Kansas, passed suffrage amendments. In 1913 Illinois granted suffrage to women in presidential elections and to a considerable degree in state, county, and municipal elections. That same year Alaska gave the ballot to women, and several other states, including Michigan and Pennsylvania, took a referendum vote on the question. The principle was lost, usually by reasonably small margins. In 1914 Montana and Nevada gave full suffrage.

At that time woman had gained full suffrage rights in eleven states, a wide measure of suffrage in Illinois, and the right to vote on matters of taxation, bonds, and

school questions in nineteen more. In but seventeen states had no rights been yielded.

The campaign for universal suffrage was thoroughly organized in 1912 and 1913. In the latter year, and in 1914, the campaign was nationwide, and an assault was made upon Congress in an effort to secure the right through national legislation. The attempt failed, but the battle is still being waged and must eventually bring success.

To grant woman full rights of suffrage on an equality with man is a function of the state. The city may grant equal rights to woman in city affairs. No logical argument except a purely sentimental one has ever been advanced against suffrage for woman. That sentimental argument is merely that woman is the home maker; that her duty is in the home and in the care of her children. On economic grounds no forceful argument has ever been presented.

Woman, in beginning her campaign for equal-suffrage rights, used the sentimental argument against her as a lever to gain her first point. If her duty was to care for her children, why should she not have some voice in the conduct of the public schools in which they must be educated? Woman was mother; woman was teacher. Why should not woman be board member, too?

To give woman the right of the ballot in educational affairs within the city was a municipal function. No convincing argument could be presented against her claim. In cities in which opposition to full suffrage was most bitter, woman's right to a voice in educational affairs was recognized. Her point was usually easily won. Certain work on the boards of education could best be done by woman. Most cities have, therefore,

adopted the policy of giving to woman the right of franchise in educational affairs. Some have restricted this right to women who have children of school age; others provide she must be a taxpayer; but the right is recognized. Women are everywhere not only voting on questions touching the public-school systems but are acting as members of boards of education.

This point won, the next step was not difficult. Woman demanded the right to vote upon bond issues and franchises. She properly argued that if her right to own property upon which she must pay taxes was recognized, she was also entitled to the right to express herself on taxation matters. She argued, too, that since she must use street cars, electric lights, gas, and other utilities, and must pay for the service, she was entitled to express herself upon the right of the utility companies to give the service and on the rates they might charge.

Cities have quite generally recognized this right. Some have provided that the woman, in order to be qualified to vote, must be the owner of taxable property. Most cities have construed this provision to mean that if a man owns property his wife is a taxpayer with him and is therefore entitled to the ballot. It has also been construed in some cities that whether the woman actually pays taxes or not, so long as she owns a watch, a ring, a piano, or other taxable property she is entitled to vote. In this way the broad construction lets down the bars to practically all women.

Thus, upon three matters, woman rather easily gained the right of franchise when she demanded it. All three were purely municipal matters and within the power of the city to grant. The next step was to gain the full right in city and state affairs. Woman argued that if

she was to have a voice in bond issues by which taxes were increased, she had also a just right to say who should spend the money. She demanded full rights on all taxation matters especially. She raised the famous cry of the American Revolution, "Taxation without representation." City after city heeded the demand, until in a large number of them women have equal rights with men in municipal affairs.

The final step is full rights in city, state, and nation. This is being brought about by action on the part of the states. The move is being fought bitterly by the liquor interests, who fear woman will bring about prohibition; it is fought by many old-line politicians, who fear woman will destroy party organization; it is fought by some religious organizations and by certain classes of foreigners, who maintain that the place of woman is in the home.

Partial suffrage, extending to educational matters, bond issues, franchises, and taxation matters, has been granted in New Hampshire, Vermont, Massachusetts, Connecticut, New York, New Jersey, Ohio, Kentucky, Michigan, Mississippi, Louisiana, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Oklahoma, and New Mexico. The fight to remove all restrictions in these states, and to open to women the seventeen in which no degree of suffrage is granted, is still on. It is winning converts daily. Suffrage for women will soon be complete and universal in the United States.

## CHAPTER XXIII

### GOVERNMENT AND BUSINESS

#### GOVERNMENT FOUNDED UPON SUSPICION — BUSINESS METHODS NOT ALL POSSIBLE

**G**OVERNMENT is founded upon suspicion. The aim of the charter builder as well as the aim of the builders of state and national constitutions has always been to protect the public against the dishonest man in office. This custom and this necessity, more than anything else, form an obstacle in the way of placing the business of government upon the same basis as the business of a private corporation. An unfortunate attitude of the stockholders toward their own business of government is another obstacle. The aim must be, then, to establish as many business principles as possible within the limitations set by these conditions.

It is a fundamental principle of good government that all actions of the city officials must be done in the open. All records must be open to public inspection and publication. No city which pretends to be well governed will, for a moment, permit executive sessions of its officials, boards, or commissions. It is in this secrecy, which used to be common, that dishonesty is made possible. Now, then, what is the effect of this principle upon business methods in government?

Suppose a private corporation is to purchase a big piece of machinery. The board of directors or other proper authority will direct the purchasing agent to

secure that piece of machinery at the lowest possible cost. The purchasing agent will open negotiations with all the concerns manufacturing that type of machinery. He will bargain with them in secret, so as not to expose his or their business methods or prices. He will play one concern against the other. He will quietly secure the lowest possible price on the machinery wanted.

How does the business of government conduct that same negotiation? Suppose it is a pumping engine that is to be secured. The department having the operation and control of that pump will make known its need and give an estimate of the cost of it. The council, commission, or other body having the authority will determine what sort of pump is desired. Plans and specifications will be drawn. All the proceedings will be open to the public. The newspapers will carry stories of the pending purchase, and what the city expects it will cost. Bids will be advertised for. All companies manufacturing pumps will be invited to bid. On a certain day, the bids will be opened in public. The newspapers will publish what each company bid. Representatives of each of the bidders will be present and know just what price each company made on the pump. Under most city charters it is provided that the contract must be awarded to the lowest bidder. There can be no further bargaining. The prices are before the purchasing body and the public. If anybody were to attempt to bargain privately, suspicion would be aroused immediately.

Thus has the necessity of protecting the city against the possibly dishonest official prevented the city from making the best possible bargain. To safeguard the integrity of the official, it has been forced to sacrifice the treasury.

An instance showing what may be accomplished occurred in a certain Michigan city a few years ago. A pump was to be purchased. Bids were received and opened in the formal way. Dissatisfaction arose, and a squabble took place over the awarding of the contract. The mayor of that city, ignoring the charter, made a personal visit to the factory of one of the bidders. The bid on this man's pump was third lowest, but experts declared the pump superior to the two offered at the lower price. Amid a great storm of criticism, which threatened defeat in the next election, that mayor purchased the superior pump for five thousand dollars less than the lowest bid and seven thousand dollars less than was bid upon that pump in open competition. That showed what application of the business methods of the private corporation could do.

That same city, when revising its charter, was forced to place in it an expensive system of accounting merely because of suspicion on the part of certain prominent men and powerful organizations. "We are willing to stand for the extra expense, but we want the protection against dishonesty," was the statement made.

Most city charters, too, prohibit public officials from bidding on municipal contracts. This is another evidence of suspicion. A city official may, perhaps, be the very best building contractor in the city, but because he is a city official he is debarred from bidding on municipal work. It is feared he may make use of his official position to secure contracts, and that he may be dishonest and use his official position and influence to cover up his misdeeds.

It is all too customary, also, for residents of a city, stockholders in the business of government, to look upon



the city as legitimate prey. Suppose the municipality needs a piece of land for a schoolhouse site, a park or playground, or for the opening of a street. As soon as the owner of that land finds the city wants it, he promptly raises its value. "If the city wants it, let the city pay for it. The city has more money than I have," is a very common expression. It falls all too frequently from the lips of those who should look upon the city as a business enterprise in which each man and woman is personally and vitally interested.

Property which a private individual might be able to purchase for one thousand dollars, jumps in value to double that sum when the city wants it. The business man who, in his private affairs, drives the sharpest bargains, who could not be induced to buy a stock of men's furnishings, for instance, unless the price was just, will the next day place an exorbitant price upon a piece of land wanted by the business of government in which he is just as much a stockholder as he is in the men's furnishings business. He raises the price for the land, and then helps to pay himself for it.

Look around at the employees of a city, at the janitors, the street cleaners, the laborers, the inspectors, the clerks, and others. Would the man in private business hire them? Many are old men; some may be crippled; many are employed because they or some relative is able to render valuable political service. They are in many instances pensioners and political workers. Their work is indifferently done, yet they probably receive higher wages than efficient men doing similar work for the private corporation. The city is expected to pay higher wages than the private corporation, yet it too frequently pays these wages for indifferent service.

So far as the pensioners are concerned, some justification is found in the argument that if they were not employed by the city they would be forced to draw their subsistence from the poor department. It is better, it is claimed, that these men should remain self-supporting, even though they do not give full value for their pay, than that they should become objects of charity.

Yet this is not the business method of the private corporation. To be sure, modern business provides pensions for faithful employees, but the active workers and earners in the private corporation must be vigorous, active, efficient men, giving a dollar's worth of work for a dollar in pay.

Still another and most important reason is there why the business of government may not employ the same business methods as the private corporation. Public officials are elected for specified terms. The private corporation hires a manager because of his efficiency and experience to perform the particular work for which he is secured. He holds his position just so long as he gives efficient service. His salary is raised to show appreciation for his good work and to keep him in his position. Other concerns may seek his services and offer him more salary because he has made good.

In the business of government the manager of a department is chosen not for his fitness or experience in the work but because he wants the salary and can get the votes. He is elected for a term of one or two years. If he makes a failure of the business, but retains the good will of the people, he will be elected to another term.

On the other hand, he may make a great success of the business but at the end of his term he will find several

other candidates for his place. Each candidate will have supporting him a certain number of stockholders in the business of government. The successful official must go out and make a campaign to hold his office. It is not required that the other candidates shall show why the incumbent should not be reelected, but it is required of the successful official that he show cause why he should continue in office. The stockholders in the business of government rarely demand the return of the efficient official. If he were to demand an increase in his salary, he would almost certainly be defeated.

If the successful employee undertakes to show as an issue that he is efficient because of long experience in the office, about the first thing he will hear will be: "If this is such a good thing, why not pass it around?" On this theory, many city charters limit the number of terms a man may hold office. His efficiency is not considered.

Instead of continuing the efficient man in office as the private corporation would do, the business of government forces the able and experienced public servant to go out at the end of one or two years and show cause why he should be returned. The charter may also say to him finally: "You can't return to that job, no matter how efficient you are."

Thus, while it is popular to cry, "Give us a business administration," the business of government places so many safeguards around itself as to prohibit strict business methods.

## CHAPTER XXIV

### ASSESSMENT OF PROPERTY

#### PROPERTY SUBJECT TO ASSESSMENT — RIGHT AND WRONG METHODS

**T**AXES are as old as government even in its crudest form. The system by which taxes are levied in proportion to the value of property owned is as old as taxes. Even among the savage tribes, when the chief demanded tribute to be paid in sheep, goats, cattle, or other valuable thing, he demanded that tribute only in proportion to the number of sheep, goats, or cattle that the tribesmen possessed. It was not demanded even among the barbarous tribes that each man should pay an equal tax, but he must pay his proportionate share. His own financial condition was always taken into consideration.

So it was among the civilized people of early times. The tithes paid to the church were but a proportion of what each man owned. When the Puritans levied an assessment for the privilege of using the common pasture land, they charged the man with two cows double the amount that the man with one cow must pay. As other taxes were levied for the common defense and for governmental, educational, and religious purposes, each colonist was assessed in proportion to his means.

The Puritans chose a tax collector. It was his duty to go among the people to learn how many cows each had and what other property each possessed. He then

collected taxes in proportion. Thus were the duties of assessing officer and tax collector combined. In some New England cities the assessor still makes a personal visit to each home and places upon the rolls what property he can see and what he is able to learn of through inquiry.

Taxes are levied upon two kinds of property—real and personal. The great bulk of all taxes is levied against real estate—the land and the buildings upon it. In some countries, and in some sections of the United States, what is known as the single tax is the system employed. Under this method the assessment is against the land only. The buildings upon that land are not assessed. It is argued in favor of this system that to levy a tax against the building is to penalize the landowner for improving his property. Building, it is argued, should be encouraged. The structure may increase the value of the land, but the building itself is subject to depreciation and should not be taxed.

Personal property includes furniture, jewelry, clothing, money, live stock, machinery of all kinds, automobiles, mortgages, bonds, stock in corporations, and so on. Personal property is by far the most difficult of all property to reach and assess justly. How to find it and how to assess it, is the subject of much discussion everywhere. In the small city, where the assessor can make a personal visit to each home, he may, perhaps, be able to learn of much of this personal property. It is manifestly impossible for the assessors in a large city to make this personal visit. Moreover, there are numerous methods of concealing personal property, and much of it always escapes taxation.

Real estate is always before the eyes of the assessor.

Its value, too, is more easily determined. Personal inspection of property is usually made, but the public records furnish an admirable basis for determining the values.

Assessing officers have maps upon which each piece of property is shown, with the size of the land and the kind of building. From the recording of deeds, the market values of most property is shown. If a piece of land in a given block is sold, that sale forms the basis for determining the value of all the other land in that immediate vicinity. From the building inspector or other officer issuing building permits, the value of buildings may be secured. Personal visits by experts who measure up the size of the building and fix its value in accordance with the market value of the structural material is usually necessary in the case of business structures.

Assessment of property thus becomes a science. Happy is that city which has a method of selecting assessing officers so free from political influence that only the competent man is chosen for the task. It is one of the most important duties in the business of government. Great injustice may easily be done. It is unfortunately a fact that the poor man always receives a heavier burden of the tax in proportion to his wealth than the rich man. It is easy for the assessing officer to place an accurate value upon the humble home. It is difficult to place an accurate value upon the big mercantile establishment. It is even more difficult to reach that personal property which the rich man may conceal in the safety-deposit vault.

Some cities are accustomed to assess property at but a certain percentage of its cash value. This is a most erroneous and unscientific method. All property should

be assessed as nearly at its true cash value as human judgment can place it. If all property is assessed at cash value, the amount of taxes borne by each property owner is no higher than if all property is assessed at twenty-five per cent of cash value. The amount of taxes paid depends upon the tax rate. If the valuation is low, the rate will be high; if the valuation is high, the rate will be correspondingly low.

With the total amount of taxes to be levied as the dividend, and the total assessed valuation as the divisor, the quotient is the tax rate. Each parcel of property then pays taxes amounting to the assessed valuation of that parcel multiplied by the tax rate.

If property is assessed at full cash value, the divisor will be large and the tax rate consequently small. If the property is assessed at but twenty-five per cent of cash value, the divisor will be small and the tax rate consequently large.

If all property is assessed at true cash value, or if all property is assessed at twenty-five per cent of cash value, the actual proportion of taxes paid by each property owner will be the same under either system. But if the assessments are unequal, and one piece of property is assessed at cash and the other at less than cash, that piece which is assessed highest proportionately manifestly pays an unfairly high tax. Thus if it is easy to assess the humble home at cash, and the big mercantile establishment is assessed at less than cash, the humble home will be made to pay an unfair burden of the taxes.

Failure to assess at true cash value results in a high tax rate which places a city in an unenviable light in the financial market. It also results in more injustice and more inequalities than when an effort is made to

assess at cash value. Nothing is saved by assessing below cash value; much may be lost. Inequalities are bound to exist so long as assessments are based upon human judgment. More inequalities are sure to exist if property is not assessed at as nearly cash value as human judgment will permit.



## CHAPTER XXV

### TAXES

#### THE CAPITAL OF THE BUSINESS — NOT A GAUGE OF EFFICIENCY

**T**AXES have been the bogey of the business of government through all its history. Taxes have been the brand of inefficiency and unbusinesslike methods, and taxes at the same time have been the great obstacle to progress, to reform, and to efficiency and true economy in government.

The football of politics, made use of for good and for bad political purposes, taxes have been a burden upon the stockholders in the business of government at the same time that they have prevented that business from keeping pace with the times.

Let any municipal improvement be suggested, the first question asked is: "How is that going to affect taxes?" Let any candidate for office announce himself, and his first pledge is to "reduce taxes," though to fulfill that pledge may mean an absolute detriment to the municipality and to those who thought to profit by the reduction.

High taxes do not necessarily mean progress and improvement in the municipality. High taxes do not necessarily mean either increased or improved production by the business of government. High taxes may not mean waste and extravagance, inefficiency, or dishonesty.

Low taxes do not necessarily mean the municipality

is standing still. Low taxes may mean both increased and improved production of the business of government. Low taxes may not mean economy and efficiency. They may mean bad government, waste, extravagance.

Whether taxes are high or low matters less than whether the taxes levied and collected are spent economically and to the advantage of the business of government. Whether taxes are high or low, they must be paid. They become a lien upon the property taxed; failure to pay them may mean that the property will be sold.

Little complaint will usually be heard from the taxpayer so long as he sees and feels that the business of government is paying substantial dividends. But these dividends must be substantial. The taxpayer receives no return in dollars and cents directly, but his dividends are paid in better living conditions, and in a more prosperous, more healthy, better city to live in. He must, therefore, be able to see these dividends even more clearly than he would if they were paid in cash.

Low taxes may mean extravagance in the administration of the business of government; higher taxes may mean real economy in money, in health, in life. What would the private corporation do under circumstances such as confront the business of government?

The private corporation realizes that it cannot successfully compete with other similar corporations unless it keeps its buildings in repair, buys the most modern and money-saving machinery, and keeps its machinery in condition to turn out the maximum product. It must not permit its buildings, its machinery, or its product to depreciate.

No newspaper which still sets its type by hand can hope to compete with the paper which has invested in -

typesetting machines. No farmer who still persists in cutting his grain with a scythe can hope to be as successful as the farmer who has invested in a reaper. No city which supplies its people with impure water can hope to be as healthy, happy, or prosperous as the one which has invested in a filter plant.

What does the city too frequently do in the conduct of its business? To lower the taxes this year, it allows its public buildings to go without repairs; next year it will cost twice or three times as much to make good the damage done. It allows the waterworks machinery to run down, and fails to install a needed new pump because that would raise the taxes; a fire breaks out, and lack of sufficient water causes many thousands of dollars' worth of damage. It fails to build hospitals because that would raise taxes; epidemic runs rampant. It fails to provide parks and playgrounds; children play in the streets. One is killed, and a future producer of vastly more than the park would have cost is lost to the city and the world.

Thus any city which is advancing must look to something besides the tax receipts; it must look to its assets. These assets are its public buildings, its water and light service, its streets and its sewers, its hospitals and its schoolhouses, its libraries and its museums, and the health, happiness, and safety of its citizens.

The tax levy is the capital invested in the business of government. At the end of the year each stockholder is entitled to an inventory and accounting. The business should show assets in the way of permanent improvements and products turned out, and dividends in the way of better living conditions commensurate with the amount of capital invested.

Low taxes may thus mean real extravagance. Yet taxes should not be permitted to become burdensome. That city whose tax rate does not exceed two per cent of its assessed valuation may be considered economically governed provided the money is well spent. The judicious expenditure of the money raised is, after all, the true test of economy, efficiency, and business method.

Nor should the aggregate of the taxes levied be the basis of determination as to whether taxes are high or low. The tax rate is the proper basis for determination. In every growing city the assessed valuation must constantly increase. If property is assessed at cash value and without favoritism, the rate will usually not increase out of proportion to a reasonable increase in taxes.

Most cities seek to separate the collection of local taxes from that of state, county, and such other taxes as may be levied. They provide that local taxes shall be collected at a different time in the year from the other taxes. By this means the tax levy for city purposes is kept entirely distinct and separate from all others, and each man knows how much he is paying toward the operation of the business of government in which he is most directly interested.

The question of taxation is one of the most talked of and studied problems of the business of government. Federal experts are constantly collecting statistics from all the cities in the nation. These statistics show a constantly increasing aggregate of taxes levied. For the most part they show, too, a constant increase in the assets and in the products of the business of government. That city which shows an increase in taxes without a corresponding increase in assets is the city which needs

an overhauling. That city which shows increased taxes but a crumbling city hall, an inadequate waterworks system, poorly paved streets, few parks, dilapidated school-houses, dirty alleys, and frequent epidemics of disease is confronted with the need for an investigation.

## CHAPTER XXVI

### THE BUDGET

#### BY WHOM MADE — HOW MADE

**M**AKING the budget is one of the most important duties in the business of government. The budget is composed of all the appropriations for various purposes for which taxes must be levied for the coming year. It is only through an intelligently and carefully prepared budget, or appropriation bill as it is sometimes called, that the taxpayer may know for what purpose he is contributing to the maintenance of the city.

The budget is another of the business methods which only recently has been given study and thought, until now no well-governed city will permit the old system of lump appropriations and an unintelligent tax levy. To-day the tax levy is made upon the carefully considered and accurately determined needs of the city. Municipal finances are divided into funds representing the especial purposes for which money is to be raised and for which money is to be expended.

This determination of the city's needs and the consequent intelligent levy of taxes is now usually done through a board of estimates. It is the duty of this board to make the budget. It receives the estimates of the needs of the several departments of the business of government, investigates and considers them well, prunes them where necessary, and recommends them to the legislative or other authorized body for final consideration and spreading upon the tax rolls.

The board of estimates may be organized in various ways. The best practice, however, is to remove it as far as possible from political influence. "Taxes" is always the cry of the man seeking the votes of the people. It may be, and more generally is, the cry that he will reduce taxes; it may be a statement that he will make certain improvements. Under such a system the general welfare of the city may suffer greatly. Therefore the body which makes the budget, and thus determines the tax levy, should be removed as far as possible from this influence.

It is quite customary, therefore, to place upon the board of estimates business men who are not public officials. In order, however, that men in daily touch with municipal affairs shall be in a position to lend their advice, it is customary to add to the board at least a minority of city officials.

In some cities the board of estimates is the final authority in determining the budget. In others the recommendations of the board of estimates go for final consideration and adoption to the legislative body as direct representatives of the people. It is frequently provided, as a check one against the other, that the board of estimates may reduce, but not raise, the estimates presented by the several departments, while the legislative body may increase but not lower the recommendations of the board of estimates.

Whatever the detail of the system may be, the object, always, is placing the making of a budget upon a business rather than upon a political basis, thus making the tax levy correspond to the needs of the city rather than to the political needs of any person or body of persons.

Heads of various public offices and of the several

departments are required to submit to the board of estimates itemized statements of the needs of each of these departments for the coming year. In the strictly clerical offices the chief is required to submit his estimate of the salaries to be paid the various employees and the amounts required for stationery, pens, ink, pencils, stamps, books, and other supplies. The head of the fire department is required to submit estimates of the cost of maintaining the apparatus, the purchase of necessary new apparatus, feed for horses, gasoline and oil for motor apparatus, fuel for the engines, pay of the men, and all other expenditures that are likely to be made during the year. The head of the waterworks and lighting departments is required to furnish detailed estimates of the probable expenditures in these departments, and so on through the departments of health, parks, poor, police, and all the rest.

All these itemized estimates are placed before the board of estimates. They have also before them the itemized statements of the year previous and the amounts allowed in each case, and from the financial department they secure statements of what each department spent during the previous year. With this material at hand, the estimators make their investigations. If they find that a piece of apparatus asked by the chief of the fire department is not in their minds necessary, they have the power to strike out that appropriation. They have it in their power to curtail the work of any department by cutting its appropriation.

Questions of whether the salaries of employees shall be increased are usually threshed out and determined by the board of estimates. This board knows what the limit of taxation may be under the law. It has before



it all the demands of the various departments, and knows how much must be cut off in order that the tax levy may be within the legal limitation. All these things are factors in determining what appropriations each department may be allowed.

Perhaps the chief of police may recommend an increase in the salary of the patrolmen. The estimators can easily determine what this increase is going to amount to in dollars and cents. If it is finally determined the increase shall be allowed, it may be necessary to cut off an appropriation for the purchase of a park or for something else in order that the salary raise may be allowed and the tax levy still come within the limit fixed by law.

Most city charters fix a maximum limit for the tax levy. Indeed, most state constitutions provide against a city becoming extravagant in its expenditures. This limit is usually fixed at a certain percentage of the assessed valuation. One per cent of the assessed valuation is a favorite limit fixed. With this in mind, and with the figures of last year before them, the estimators always have a basis to work on.

With the estimators removed as far as possible from political influence, with all the necessary data before them, and with the check between the estimators and the legislative body, a satisfactory mean is usually secured. The budget, then, provides for a tax levy that closely represents the needs of the city upon a conservative basis.

## CHAPTER XXVII

### FINANCE AND ACCOUNTING

#### CENTRALIZING COLLECTIONS AND DISBURSEMENTS — MAKING MONEY WORK — OVERDRAFTS AND TRANSFERS

LACK of business methods in finance and accounting systems has been the great curse of the business of government. That curse still remains in the smaller cities. Even the larger cities have only recently awakened to the necessity of applying business methods to this phase of the business of government, for not until recent years has the matter been given much thought. To-day the biggest men in the world of finance are seeking to have established for the business of government such systems as they employ in their private enterprises.

The New York Bureau of Municipal Research was a pioneer in seeking the installation of business methods of finance. Many similar organizations are also doing good work along these lines. William A. Prendergast, comptroller of the City of New York, has been an important factor in the agitation for business methods and the adoption of new financial systems all over the nation.

The laxity of the old methods has resulted in the waste of millions in the business of government. How many millions have been wasted, nobody can tell. The systems of accounting make it impossible to learn.

Under the old systems various officials usually had power to receive and to disburse money. The city

treasurer finally received it, but not until after it had passed through other hands. A tax collector, perhaps, had received the tax money; the city clerk frequently took in money for various kinds of licenses; the building inspector received fees for the issuance of building permits; the water department made its own collections; other departments and other officials all received money in return for the license, permit, service, or what not secured at their offices. About once each month these various officials and departments paid to the treasurer what they had taken in. It was not uncommon to provide what was known as "settlement day," when all departments squared accounts with the treasurer.

Money was paid out in much the same manner. In too many cities it was not uncommon, and is not to-day uncommon, for each official to pay himself and his employees, taking the money from his own cash drawer and making the report to the treasurer when he settled with him. Placing a "slip in the drawer" was a frequent practice, and a most pernicious one. The "slip" was a mere bit of paper bearing the memorandum that on January 10 Jones drew twenty-five dollars. When the chief of the department settled with the treasurer, these sums shown on the slips were deducted from the pay due Jones and the others.

It was a frequent occurrence for the official or some of his employees to draw pay a month or more in advance. It was customary for each department to purchase its own supplies, paying for them from its own cash drawer and so reporting to the treasurer on settlement day. Each department usually had its own system of bookkeeping, which was, perhaps, changed as each new official took the office.

Leaks were possible, even probable, everywhere. The opportunity to borrow from the city was everywhere open. It was quite the custom for the treasurer, the first of each month, to estimate the probable expenditures of the month, draw that amount from the city depository, place it to his own account in another bank, and check against it personally. If the treasurer was a good business man he was usually able to make arrangements by which he drew interest on his deposits.

It was customary, also, for each official who received and disbursed money to keep a bank account to his own credit, and his expenditures were checked against his own account. When settlement day came he drew his personal check against his personal account to pay to the city treasurer whatever was due him. In the meantime the official had the use of the city's money for his personal speculations and also, probably, drew interest on his daily balances. It was not at all uncommon that while the city drew no interest on its daily balances, the shrewd officials who deposited city money to their own credit did draw interest on their daily balances for their own uses.

A private corporation run along such lines would soon find itself bankrupt. If the city were dependent for its finances upon its earnings rather than upon the taxes levied, it, too, would soon become bankrupt under such a system. By these methods, money which should have been in the treasury of the city, drawing interest for the city and working for the city, was, instead, doing all these things for the officials, while the city was reaping no benefit from it.

The establishment of a businesslike system of handling money, and of accounting for it, is one of the greatest

advances made in the business of government since the dawn of the twentieth century.

Most cities now provide that all money must be paid directly to the treasurer's department and that all disbursements must be made from his department upon proper warrant. Interest on daily balances is demanded of the bank acting as city depository. The bank offering the highest rate of interest on these daily balances is the one chosen as the depository.

A double accounting system is also generally provided for now; the city comptroller or auditor is the result. The comptroller handles only warrants. He sees no actual cash. The treasurer may disburse money only upon the warrant of the comptroller. He must report to the comptroller all money received, and the various officials and departments must also report to the comptroller the amounts the treasurer should have received from business initiating in their respective departments. This is usually accomplished through duplicate licenses, permits, bills, and so on, one of which goes directly to the comptroller and forms a permanent check against the treasurer. By this means the books of the comptroller and of the treasurer ought to balance. If they do not, an investigation of the reason is in order.

The unexpected audit has also grown in favor. While it is one of the duties of the comptroller to audit, many cities have found it advantageous to employ an outside auditing company to step in once in a while and, without warning, pull the cash drawer and audit the books. It was formerly quite the custom to audit the books of an official only upon the expiration of his term of office; the modern method is not to catch the dishonest official but to prevent the official from becoming dishonest.

Methods of handling the city's funds depend largely upon the conditions prevailing in each city. Much has been written and said relative to the transfer or juggling of funds. It has been held that once an appropriation for a specific purpose is made, it should, under no circumstances, be used for another purpose.

Overdrafts of funds, except in cases of emergency, are not evidence of good business. There are, however, some conditions under which transfers are the height of good business and temporary overdrafts may be necessary. Take an example.

The city may, perhaps, have one hundred and fifty thousand dollars in its waterworks fund. Bonds have been authorized for the building of a sewer to cost one hundred thousand dollars. Suppose the money in the waterworks fund will not be used for six months. In the bank it draws, we will say, three and one-half per cent interest. The sewer bonds will draw interest at four and one-half per cent. Now by using the waterworks fund for the time it would otherwise lie idle, the city will manifestly be spending three and one-half per cent money and saving the four and one-half per cent money. Thus if the waterworks money is not to be used for six months, the city will during that time save at the rate of one per cent on one hundred thousand dollars. When the waterworks money is needed for its own purpose, the sewer bonds may be sold with coupons for six months clipped off and the waterworks fund replenished. A temporary overdraft in that fund may have been developed, but it is wiped off again with the sale of the bonds.

A situation identical with this was developed by the New York Bureau of Municipal Research during a

survey of the financial methods of the city of Toronto. The finding caused a great awakening there, and called forth the following paragraph in the *Toronto Courier*, which was deeply interested in the question:

"One little incident shows the bright intellects at the Toronto city hall. The city has sinking funds in cash amounting to \$2,157,000. These are deposited in the banks at 3 per cent interest. Then the city turns around and borrows \$2,157,000 from the banks—borrows back its own money, in other words—and pays  $4\frac{1}{2}$  per cent. In the language of the baseball writer: 'Can you beat it?'"

Almost every city has a considerable sum of money, on hand all the time, and especially immediately after the collection of taxes. It is not good business that the city should have one million dollars lying idle in the bank, drawing three and one-half per cent perhaps, and at the same time sell bonds upon which it must pay four and one-half per cent. Under such conditions, the transfer and temporary overdraft are not only excusable but they are good business method.

## CHAPTER XXVIII

### BOND ISSUES

#### THE STANDING DEBT — PROPER FOR PERMANENT IMPROVEMENTS

**B**ONDS are mortgages upon a city. They constitute its standing debt. They are given in order that the city may enjoy and have use of those necessities which are too expensive to be paid for by direct and immediate taxation.

With the private corporation, bonds are mortgages against the property for permanent investment purposes. They are retired, and their interest is met from the earnings of the property. The bonds of a municipality, except for some specific purposes, differ from those of the private corporation. In the municipality the mortgage is given against every piece of taxable property in the city; every taxpayer is bound to pay his share of this debt, with the interest. The money with which to retire the bonds comes not from the earnings of the municipality but from the pocketbooks of the taxpayers. When the taxpayer pays his share of the bonded debt that money is gone, because the city pays no dividends in cash and has no earnings in cash.

It is only in the few specific instances that the bond issue is not a direct burden upon the taxpayer. In these instances the bonds are placed upon those certain few departments which do show earnings in cash. These are the water systems, power systems, lighting plants in



those cities which do a commercial business in these lines, and street railways in those cities owning these utilities. Such institutions are, however, very properly operated upon a basis of giving their product to the city at the lowest possible cost and not as money-making institutions. Good business management should make them self-sustaining and enable the city to lay aside enough from their earnings to pay both interest and principal upon whatever bonds must be issued for their purchase and the extension of their service.

Because bond issues must necessarily increase the burden of debt upon a city, most states fix a limit beyond which no city may bond itself. This limit is usually fixed at not to exceed ten per cent of the assessed valuation of the city. An additional bonded debt is usually allowed so long as the additional bonds are against an earning utility of the city, such as waterworks or street railways. Neither are bonds for street improvements and sewers usually included in the ten-per-cent limitation. These bonds are against the property directly benefited by the improvement, and are usually for but short terms of from three to ten years.

Bond issues are proper charges against the city at large for certain purposes. Those features of public life which are permanent in character and will be used by future generations may well be paid for by the people of the future. Parks and playgrounds are for the enjoyment and benefit not of the present generation alone but of the people of all time. It is proper, therefore, that the people of the future should help pay for these benefits. The public markets, schoolhouses, and municipal hospitals will all serve the people of coming generations. They, therefore, must pay the principal on the bonds with which

these necessities were purchased. The present generation must pay the interest year by year.

By means of bond issues the city is able to acquire at to-day's valuation the properties which twenty-five years hence would be vastly more expensive. By means of the bond issue the people of to-day are enabled to enjoy and to use the parks and playgrounds, the school-houses, the hospitals, and the markets without increasing the tax burden too greatly.

Bond issues to cover the current expenses of a city have been looked upon for years as evidence of poor business methods, of poor government. Such bond issues are without excuse except when a great disaster, like flood, fire, tornado, or pestilence, has devastated a city through no fault of its government. A city's credit is just as sensitive in the money market as is that of the private individual. Unless the city meets its debt when it falls due, unless it has a reputation for good business management, it will meet with the same obstacles in the money market that the poorly managed railroad would.

These obstacles may be felt in inability to sell bonds at all; they may be felt in a demand on the part of the bond buyer for a higher rate of interest. The well-managed city, except in times of financial stress, should be able to dispose of its bonds at from three and one-half to five per cent interest and secure a premium on the sale. No well-managed city will permit its bonds to be sold for less than par.

No large bond issues should be sold without the consent of the people, expressed at the polls through the referendum. Many a badly managed city has been able to cover up its deficiencies through a sale of bonds about which the people had nothing to say.

Bond issues should be used only for the purposes for which they are authorized, and most city charters so expressly provide. Neither is it good business to issue bonds to the full amount authorized until the money is actually needed in the improvement to which they are to apply. By withholding the sale of bonds until the money is actually needed, interest will be saved during that period.

It is frequently possible to use current funds in payment of debts to meet which bonds have been authorized and to replenish those current funds by the sale of bonds when necessary. Interest on the bonds is saved by this method, and there is no credit to the city in having a large sum of money lying idle in the bank while it is paying from four to five per cent interest on bonds.

Bond issues have been subject to great abuse. But the growing idea that government is business has led to a more careful and more scientific method of handling bond funds, in connection with more businesslike handling of municipal finances in general.

## CHAPTER XXIX

### THE SINKING FUND

#### ITS PURPOSE — HOW ADMINISTERED

**I**F CITIES are to issue bonds they must also make provision in advance to pay interest annually and to pay the principal at maturity. If this is not done, the very purpose of the bond issue is defeated.

The object of a bond issue is to secure the expensive necessities and conveniences to-day but to pay for them on the installment plan. This relieves the present taxpayer of too heavy a burden while permitting him the use and enjoyment of these necessities and conveniences while he is paying for them. If no provision is made for the retirement of bonds, we are merely putting off the evil day. Eventually we shall be forced either to refund or to levy a tremendously heavy tax to retire the bonds at maturity.

Different cities adopt different methods of meeting this installment-plan expense. The best method, and the one generally adopted in well-governed cities, is the establishment of a sinking fund. This is a fund to which additions are made annually so that there is continuously on hand a sufficient amount to pay interest as it accrues and to pay the principal at maturity. Some cities are, by their charters, required to place annually in the sinking fund whatever amount the council, commission, or other body vested with the authority thinks proper. The intent is that the proper authority shall determine what is the

proportionate share of the whole bonded debt chargeable against each year.

Another method, and a better one, is to provide by charter for a fixed basis by which a continuously increasing amount must be raised and placed in the sinking fund annually. This basis is usually some proportion of the assessed valuation of the city. The bonded debt of most cities increases annually. So does the assessed valuation. Therefore by levying a certain percentage of the assessed valuation each year, the amount raised increases steadily and keeps pace with the increase in the bonded debt.

Some cities fix, say, one fifth of a mill on the total assessed valuation as the amount that must be turned into the sinking fund annually. This basis may be larger or smaller in the different cities, but the principle is the same. The burden upon the taxpayer always remains the same, but the amount raised is constantly increasing to keep pace with the constantly increasing bonded debt.

That this method is better than that which permits some authorized body to levy whatever it thinks best, is shown by a simple illustration.

Suppose a workingman desires one hundred dollars fifty weeks hence for some specific purpose. He agrees with himself to place two dollars in the bank each week. But there comes a week frequently when he is a little pinched for money or has another use for it. If he fails to put his two dollars in the bank one week, he must double his burden some other, or he will fail to have the required amount at the desired time.

On the other hand, if the workingman were to agree with his employer that the latter should take out of his envelope each week two dollars to save for him, he would

then so order his affairs as to live on two dollars less each week. At the end of the fifty weeks he would have the desired amount to his credit.

So with the city. If the amount to be saved is left to some authority to determine each year as it comes, the chances are that the saving will be cut down or left out entirely some year when somebody is attempting to make a showing of reducing the taxes.

Many cities provide that in addition to the money placed in the sinking fund through taxation, certain other stipulated income shall also go to that fund. It is frequently provided that the accrued interest and premiums on bond sales shall be placed in the sinking fund. Thus at the same time with the sale of the bonds a nucleus is established for their retirement.

Administration of the sinking fund is usually left to the mayor and the financial officials of the city, with sometimes two or three substantial business men outside the city government. Administration of this fund is one of the most delicate of duties, for the sinking fund is a trust fund set aside for future purposes. It must be kept inviolate, and used only for the purpose for which it is intended. But because the sinking fund is a trust fund is no reason why it should not be administered in a businesslike manner. It is fundamentally a business fund; the business of government should make it work and earn more money with which to fulfill its function.

In many cities the sinking fund has been looked upon as so sacred a trust and with so jealous an eye that its administrators have kept it in the banks year after year, drawing a low rate of interest and accumulating only such interest, and allowed it to be drawn upon only for the payment of interest and the retirement of bonds.

When the business of government is operated on a business basis, however, the sinking fund may be put to many uses by which it will still be held inviolate and yet accumulate much more than the small rate of interest paid by a bank. The sinking fund may properly be invested. Great care should, of course, be taken that the investments are sound. It is quite customary to require that sinking funds be invested only in such securities as are permitted for savings banks.

One of the best investments to which a sinking fund may be put is in the bonds of the city itself. Municipal bonds may draw as high as five per cent interest, and in some sections of the country even a higher rate. This is a far better rate than most banks will pay on the varying deposits of a city. Furthermore, when a city pays interest on its own bonds to its own sinking fund, it is merely taking money out of one pocket and placing it in another. It pays interest to itself. Thus money is saved to the city while the sinking fund, at the same time, has a perfectly safe investment.

These are mere business principles too often overlooked in the business of government. By the employment of them, the city has a sure market for its bonds, keeps its money for itself, affords a safe investment for an important fund, and, at the same time, prepares for the future retirement of its bonds and the reduction of its debt.

## CHAPTER XXX

### SPECIAL IMPROVEMENTS

#### WHAT THEY ARE - HOW PAID FOR

**S**PECIAL improvements present some of the most perplexing problems with which the business of government has to deal. By the term "special improvement" is meant the grading and paving of streets, the opening of new streets, and the construction of sewers. The cost of these improvements is not a charge against the city at large but is assessed against the property directly benefited; it is another form of taxation distinct from the general tax levied upon all property for the uses of the city. In the case of special-improvement taxes the property owner pays his proportion of the cost of the direct asset to him and to his property.

This is where the problems begin. The construction of a sewer or the pavement of a street may be necessary to the welfare of the city; in all likelihood it is a direct and considerable benefit to adjoining property. But the cost of this improvement is an additional and heavy tax upon the property. This must be taken into consideration lest the tax become such a burden as to be confiscatory.

The kind of pavement to be laid in a street presents still another problem of magnitude. A certain street may be heavily traversed and in need of a substantial pavement. The property on that street and subject to assessment for the improvement may be held by persons upon



whom the additional burden is going to weigh heavily. Special-improvement taxes are no less a lien upon property than the general tax; property may be sold for non-payment of special-improvement taxes just as for non-payment of general taxes. A brick pavement may be so expensive in this particular street as to be confiscatory of the property to be assessed; a gravel street may be useless, and doomed to early destruction by reason of heavy teaming. Who, then, is to decide whether the street shall be improved, and what the nature of the improvement shall be?

No law will permit the placing of a confiscatory burden upon any property. Shall that street, then, go unimproved to the detriment of the general welfare of the city? It is usually left for the property owners to decide whether the improvement shall be made and what kind of pavement shall be put down. But by this method it frequently happens that the kind of pavement the property owners determine upon as best suited to their pocketbooks is, in the end, the most extravagant kind that can be laid and will only result in repaving within a few years.

In some cities it is provided that some board or other authority shall determine the kind of pavement suited to the needs of each street. Considerable opposition to this method has usually been aroused, because it deprives the man who is taxed of the right to say how much he shall be taxed, and may place upon him a burden too heavy for him to bear.

Property directly abutting upon the street to be improved is, in most cities, the property to be assessed for the pavement. That is quite generally the law of the different states. The property fronting upon the street

is considered the property directly benefited by the improvement. By this improvement the grocer, the milkman, the dray man, and all having business with the property owner are enabled to reach his door with greater ease. He is therefore directly benefited and his property is directly enhanced in value. It is customary, therefore, to assess this abutting property in proportion to the number of feet fronting upon the improved street.

In the case of sewers, the system is a little different. Here the property which drains directly or indirectly into a new sewer is held to be benefited, and is consequently assessed proportionately. The new sewer may be a mile or more from a certain piece of property, but if the sewage from that property eventually finds its way into the new sewer, that property is held to have benefited. It must, consequently, pay a portion of the cost of construction.

The property which drains directly into a new sewer is, of course, benefited more directly than that which drains into it only after passing through several other sewers. Therefore the property draining directly into the new sewer will be assessed more than that which is farther away. It becomes, then, a problem for the assessing authorities to determine to what extent each piece of property, the sewage of which at any time reaches this new sewer, is benefited, and to assess accordingly.

In the case of sewers, property is generally assessed on the basis of the number of square feet instead of the number of front feet in that property. This is because in addition to the house sewage which drains into the new sewer, there is taken into consideration the amount of storm water which flows off a man's land into the sewer

or is, because of the sewer, prevented from flowing upon a man's land.

Many different methods of paying the cost of special improvements are to be found. If the improvement is small and the cost is light, it is customary to collect the tax as soon as the contract has been let and the necessary tax rolls can be made. Thus the money comes into the treasury while the work is in progress and the contractor is paid by the property benefited as soon as his work is completed.

In the case of large improvements, when the cost is heavy, a system of deferred or installment payments is usually provided to lighten the immediate burden upon the property owner. Different methods of providing for this are employed in different cities.

One method is the time order. The property owner may be given two, three, or five years in which to pay his share of the cost of an improvement. But the contractor must be paid as soon as his work is completed and accepted. Funds must, therefore, be provided to meet this expense in advance of the payments by the property owners. The time order amounts to a note or to a check dated ahead. By it the city pays the contractor what is due him, but that order is not payable until the several installments have been paid by the property owners. The contractor usually takes his time order to the bank and there discounts it. He receives his money, and the bank holds the time order until it is payable, charging interest against the city.

Two objections to this method are at once manifest. First, since the contractor must discount his time order, he must charge enough more for his work to cover this loss. If, for instance, he figures he can make a

reasonable profit on his contract by taking it at twenty thousand dollars, but must discount his time order two per cent, he must, of course, charge that two per cent additional in order to make the profit he had figured on. At the same time, the property owner must pay interest on his deferred installments to make good the interest which the bank is going to charge for holding the time order. Therefore the cost of the improvement is necessarily higher than it would be if the property owner were to pay the full cost before the contract was completed.

Another and better method employed is the issue of short-term bonds. These bonds are usually issued for the total cost of the improvement and mature in the same number of years that are allowed the property owners to make their payments. By this method the contractor is paid in full upon the completion of his work and has no discount to make good. The property owner is charged the same rate of interest on his deferred installments that the bonds draw. These bonds are not a charge upon the city at large, but only against the property benefited. They are not properly reckoned as a part of the city's debt.

One other big problem is, who shall pay the cost of re-improvement of a street? While the property fronting upon the street is properly charged for the first improvement, that improvement once made is for the use of the entire city. The property owner may own no vehicle. Consequently, he will have nothing to do with the wearing out of the pavement except the convenience of those with whom he does business. Should he, then, be assessed for a new pavement when the first one is worn out by the traffic of the whole city?

In some cities the abutting property is assessed for the re-improvement and is frequently heavily burdened by this system. In other cities it is provided that while abutting property shall be assessed for the original improvement, the whole city, which helps to wear it out, shall pay for the second and succeeding improvements. This latter course seems to be most in favor and is apparently the more just.

## CHAPTER XXXI

### MAINTENANCE

#### BY APPROPRIATION — BY SPECIFIC TAX

ONE feature of business to which the private corporation looks most is maintenance. The private corporation realizes that good business method demands that its property shall be kept up and in condition to yield maximum product. A maintenance fund is therefore provided. The business of government is, as a rule, extremely lax in this particular. As a result repair charges are usually unnecessarily heavy.

The waterworks department and others which have an earning capacity are usually on a better business basis than those which do not earn. Successful operation of such utilities makes maximum efficiency imperative. While it is not the policy that cities shall operate their utilities for profit, every city at all well governed should make its earning utilities self-sustaining.

It is with the non-earning departments that the serious problems arise. These departments must be maintained by taxation. This is the case with the streets, hospitals, parks, playgrounds, libraries, museums, art galleries, garbage destructors, sewage-disposal plants, and others. These departments are operated for the benefit of all the people, it matters not whether they make use of them or not, whether they are taxpayers or not. These departments must, then, be maintained. How to provide the necessary funds is the problem.

Direct taxation, by which certain sums are placed in the budget for the purposes, is the usual method. This means that maintenance must necessarily be thrown more or less into the field of politics. The parks, playgrounds, museums, libraries, and art galleries are looked upon, in a measure, as luxuries. They are demanded to-day; they have become recognized necessities of modern life. But we could live without them. Moreover, if no money is spent upon them this year, they will be there next year. They are not like a piece of machinery which must be repaired or go out of commission. They will not be rendering maximum efficiency, but they may be enjoyed in a limited capacity just the same.

Let a mayor be elected on a platform of retrenchment and lower taxes. When the estimates come in, his ax is certain to fall upon these so-called luxuries. If the budget must be cut, it can be cut here, and they will still be there next year. Therefore, under the customary system of maintenance of parks, playgrounds, libraries, museums, and art galleries, there are likely to be years when the maintenance funds for them will be very small indeed; when little or nothing will be done toward their upbuilding and improvement. How to make sure that this maintenance fund will not be overlooked but will be assured each year is the problem.

Some cities have solved the problem by providing by charter an annual specific tax for each of these purposes. They provide an arbitrary appropriation of a fraction of a mill upon each dollar of assessed valuation to be levied for each. The size of the levy is dependent upon the size of the city, the amount of its assessed valuation, and the number of its parks, playgrounds, libraries, museums, and art galleries to be maintained.

In all growing cities the assessed valuation increases annually. So also do the number and needs of properties to be maintained. By the specific-tax method of providing a maintenance fund, the levy will automatically increase annually just about in proportion to the need.

It is too easy when making the budget to say: "The tax burden is heavy this year. That park may go unimproved until next, that collection for the museum may wait, we can get along without those additional books for the library or that painting for the art gallery," and then draw a pencil through these appropriations.

Under the specific-tax method all this maintenance fund is automatically provided for. The political equation is left out of the consideration.

It is a quite frequent practice, too, to turn toward the maintenance of libraries the fines collected as penalties for violation of city ordinances. By this means a varying sum is annually turned into the maintenance fund without becoming a measure of taxation.

License money is also sometimes used for similar purposes. In making the budget, it is customary to estimate the amount of license money to be paid in during the coming year. This estimated amount is then deducted from the appropriation for general purposes in anticipation of this income. The general-purpose fund may therefore receive more money than is necessary or it may fall short of requirements because of the instability of the income from licenses. The general-purpose fund, therefore, becomes more or less unscientific in its make-up and may become the object of political attack and extravagance. The money thus taken in may be a large sum, but either its coming or its going is little attended to. If it were diverted to a specific purpose it would with



the specific tax receive a careful accounting and be expended for a good purpose.

Maintenance of streets presents another problem. The common method for providing a fund for this purpose is by placing an appropriation in the budget. Here, again, the administration seeking a reduction of taxes may bring havoc. Streets in growing cities must be torn up frequently. Emergencies of bursting water pipes, repairs to conduits, enlarging of sewers, and improvements in street-railway tracks will result in frequent disturbance to the pavements. To maintain them in reasonably good condition it is necessary that repairs be made when the need is first discovered. To reduce the appropriation for this purpose, and allow the repairs to wait another year, may mean an early resurfacing of the street with unnecessarily heavy expense. Maintenance of public buildings presents the same situation. The needed repair to the roof may be allowed to wait a year. But in the meantime that roof may leak enough to make necessary the replastering and redecorating of several rooms in the building.

So it is that the business of government has been lax in maintenance. This is due almost entirely to politics. It is not corrupt politics, but it is the kind of politics which seeks to keep the tax burden down this year with no thought for the future. That theory of letting the morrow care for itself has wrought great harm to the business of government in many respects. In no respect has this policy done greater damage than in the matter of maintenance.

## CHAPTER XXXII

### PURCHASING

#### THE USUAL METHOD — THE PURCHASING AGENT

“**A** PENNY saved is a penny earned” is an old maxim which every well-managed business must recognize. It is the accumulation of the pennies which makes up the dollars in dividends. In no particular is it easier to waste or to save the pennies than in the purchase of supplies. In no department of business is the private corporation more careful; in no department is the business of government usually on less of a business basis. Thousands of dollars are wasted annually by the business of government by lax methods of buying.

The private corporation buys its supplies, fuel, and other staples at the lowest possible cost consistent with efficiency, saving a penny here and a penny there. The business of government in buying its supplies usually gives little heed to the dollars, to say nothing of the pennies.

No well-managed corporation permits the various departments thereof to buy their supplies independently of all other departments. Almost all well-managed corporations, even the small ones, employ a purchasing agent. His duty is, as representative of the whole company, to buy for all departments. He therefore makes his purchases of supplies in large quantities and consequently secures lower prices. Because he represents the whole company, nearly all concerns with which he deals, being

anxious to secure and to retain the business of that company, make him the best possible price on his purchases.

The purchasing agent, whenever possible, buys directly from the producer, or at least from the wholesaler. He bargains with this one and that one, compares the quality of the various materials, selects what is best suited to the departments for which he is buying, and saves pennies and dollars by whatever means may be possible.

How does the average city do its purchasing? In most cities, especially the smaller ones, each department buys its own supplies with perhaps the consent of a committee of the council or of a board. What is the result? The city clerk, for instance, must have pens, pencils, ink, paper, envelopes, books, blanks, and so on. He is elected by the votes of the people. He has friends in the printing business who may, perhaps, be able to control a few votes. This month the clerk orders a small amount of paper and envelopes from one printer, next month he orders another small lot from another. He asks few if any questions. He makes no attempt to bargain for his supplies. He pays the price for a small quantity. He pays, in addition, the price which nearly every dealer believes he has a right to charge the municipality because he knows his bill will receive the o.k. of his friend, the clerk.

The comptroller, the treasurer, the secretary of the police department, and all the other department heads employ the same method. In the course of a year the few dollars' additional charges against each department have amounted to a considerable sum for all departments, and the patient stockholder in the business of government has paid his assessment to make good the cost.

Suppose it is fuel. The waterworks department, the public-lighting department, the schoolhouses, the public buildings, the garbage incinerator, the fire department, and various other branches of the government must have coal. Each buys for itself as needed. Usually the purchases are made through local dealers, the friends of the heads of the departments making the purchases, and each department pays the price for the comparatively small quantity purchased. If one man bought the coal for all the departments he would receive a lower price for the larger order.

Perhaps it is feed. Until recently each city was forced to keep a large number of horses in the fire department and in the street-cleaning department, and for the heads of the several departments who must get about over the city. Motor vehicles have now largely reduced the number of horses, but there is still necessity for a considerable number. Each department buys its hay and oats independently of all other departments, each buys as the feed is needed, and each pays the price for the small quantity. Again only a few dollars are lost by each department, but in the year the aggregate loss to all departments has reached a considerable sum. If one man had purchased the hay and grain for all departments he would have secured a lower price for the larger order.

If the business of government were to employ the same business methods in its buying that the private corporation employs, a purchasing agent would buy all the feed, fuel, and other supplies for all the departments. He would bargain with the printer and the stationer. He would secure prices on so many thousand sheets of paper, so many thousand envelopes—enough to last all departments a full year. He would bargain with the

mine operator, or at least with the jobbers, for coal enough to last all departments a full year. He would buy his hay and grain in the same manner. He would secure upon all purchases the benefit of the large order and the direct dealing. He would save a few hundred dollars on each. Other supplies for all departments would be purchased in the same manner. In the course of a year the aggregate saving to the city would amount to a considerable sum.

Some cities do employ a purchasing agent. In some instances a man is appointed by the mayor for this purpose. The result has generally proved to the advantage of the city, and the salary of the purchasing agent has been saved many times over.

Railroads, gas companies, electric-light and power companies, street-car companies, all have purchasing agents. Why should not the business of government, which usually represents a larger investment and a business of a much more varied character than any of these, employ similar business principles?

Private corporations frequently combine the office of purchasing agent with some other. Some cities have combined the duties of purchasing agent with those of some other official. It is frequently the practice to place upon the mayor's secretary the duty of buying for the whole city. In most municipalities the mayor is provided with a secretary and, except in the largest cities, that secretary is never overburdened with work. If the mayor selects a competent man as secretary, and does not give out the job merely as a reward for political service, the combination may easily work to the city's advantage. It is necessary, only, that the man shall be competent. If he is a man of business ability, capable of filling the duties

of purchasing agent, the mayor will receive better service from him as secretary. He will be able to save the city more than his salary, and better business principles and greater efficiency will accrue to the business of government.

## CHAPTER XXXIII

### CONSERVATION

#### WASTE OF THE PAST—DIVIDEND OF TO-DAY

**N**O DIVIDEND the business of government can pay will be more appreciated in the future than that which comes through conservation of those resources which nature has placed within the grasp of every community. Had the former stockholders in the business of government foreseen the needs of the present day and grasped their opportunities, had they realized the problems that the great growth of cities would bring and thus conserved that which lay before them, every city in America would have in its possession to-day those assets it is now seeking to acquire at great expense and endless litigation.

A quarter century ago the word "conservation" was rarely heard. The thought conveyed in the term had not yet been developed. To-day the nation is bending every effort to make good what has been lost. Cities are just beginning to awaken to the opportunities let slip in the past, and to grasp those which still remain.

A quarter century ago the people of a city congratulated themselves if a private corporation came within its borders, took possession of a rapids or a waterfall in the river, built upon the banks, and started an industry. They were highly delighted if a company built a power house and made electricity. They bought that light and power cheerfully at almost any rate the company saw fit to

charge. But to-day the city wishes it owned that river bank and had possession of the power which is turning the wheels for the private corporation and which, perhaps, is holding the city in the bondage of excessive rates and poor service.

If the fathers had taken possession of that river bank and either held it for the use of the city or leased it to the private corporation with municipal control, the city would have had a most valuable asset which it now lacks

The early theory of government was that the city should not engage in commercial pursuits or do anything that might, perhaps, hinder or discourage private enterprise. That theory is rapidly changing, until now cities are seeking those means for producing revenue for operating the business of government and for providing the stockholders with the necessities of modern life at the lowest possible cost, even if it is necessary to enter into competition with the private corporation.

Had the fathers acted on this theory, and kept control of the river bank and the water power, the municipality to-day could produce light and power for municipal purposes and for private enterprise, thus attracting new industries and at the same time producing a revenue to the city and materially reducing if not wiping out the burden of taxation.

No more valuable asset can there be to a city than the ownership of whatever waterfront there may be, whether it is the bank of a river or stream, a lake front, or the frontage upon the ocean. By owning the banks of rivers and streams the city is able to control whatever power there may be in them. If it does not desire to develop that power itself it may, perhaps, lease the rights



to the financial advantage of the city. It is thus able to protect its water supply; it is able to provide beautiful drives and boulevards and parks along the banks; it is able to maintain conditions suitable for motor boats and to keep the whole stream clean and pure and healthful to all citizens.

In the days before the use of electricity it was necessary that all factories be built upon the banks of such streams as possessed water power, or else use coal. This was particularly the case in the eastern cities, where almost every stream possessed some power. As a result, many years ago the river fronts were pretty well occupied with factories and mills. Now water power is converted into electrical energy. Streams need not be cluttered up with dozens of water wheels. Factories may now be supplied with better power, although located miles away from the streams. Therefore the older cities are seeking at every opportunity to recover possession of the river banks. The newer cities, which have not yet lost these valuable assets, should take possession of whatever waterfront and water power has not already fallen into the hands of private corporations. In another decade these rights will be of vast value.

It is the same with the lake or ocean front. In the older cities private corporations have secured possession of water frontages. They own the docks, and control their use. If the city owned this lake or ocean frontage and built and controlled the docks, leasing them or privileges upon them to the private corporations, it could return a handsome dividend to its stockholders and curb the evils of either monopoly or competition.

Cities are also wasteful in many other respects. Either they are blind to their opportunities, or the American

people, through absurd prudery, are with wide-open eyes allowing valuable assets of the city to go to waste.

Almost every city in America which has the opportunity has been emptying its sewage into river, stream, or lake. All around are farms upon which the city is dependent for its food supply. The soil of these farms is being impoverished annually, and farmers are forced at considerable expense to purchase commercial fertilizer. This expense, with the constantly decreasing productiveness of the soil, makes it necessary for the farmer to charge higher prices.

Meantime, what is happening? The city is emptying into its river and stream all its sewage, the best fertilizer imaginable. Not only is this fertilizer going to waste, but it is being emptied into the river to pollute the water supply of the next city below and to kill whatever fish there may be in the stream. Thus the city not only wastes its natural resources but does it in such a manner as to destroy the other natural resources at its doors.

In Germany, England, and other European countries sewage is most carefully retained for deposit upon farm lands. Their productiveness is thus maintained even after the many centuries they have been producing their crops.

American cities are coming to this. Some cities are already using sewage for fertilizing purposes; other cities are coming to it as fast as the natural prejudice can be overcome. Eventually sewage, all human waste, street sweepings, and garbage will have a commercial value. The city, instead of using sewage to destroy other resources, will reap a revenue from it. At the same time it will help to maintain the fertility of the soil of the surrounding country.

Of even greater value than the conservation of the natural resources is the conservation of the human resources. One way that this is brought about is by the prevention of accidents through railroads crossing streets at grade. Grade separation is one of the big problems in the business of government. Every municipality is trying to solve it as seems best in its particular locality.

Life is also conserved through providing safe swimming holes, safe skating ponds, through the battle against tuberculosis and other contagious diseases, through protection against defective electric wiring, through regulations against traffic and against food that is unfit to eat, against uncleanness in restaurants, hotels, candy kitchens, and dairies, and through protection against unsanitary conditions everywhere.

This sort of conservation is recognized everywhere as the duty of the business of government. No well-governed city fails to conserve both its natural and its human resources. The business of government cannot declare a dividend unless conservation is shown.

## CHAPTER XXXIV

### PUBLIC HEALTH

#### MUNICIPAL HOSPITALS — FUNCTIONS OF GOVERNMENT

GOVERNMENT throughout the ages has recognized its right and its duty to conserve the public health. The quarantine system against loathsome disease is as old as government. The lepers of old were driven out of the cities and compelled to live in colonies apart from the rest of the world, where they would not communicate their affliction to others. Those afflicted with plagues of all sorts have always been excluded from mingling with those not so afflicted. The pest house, in which smallpox patients were isolated, is one of the oldest of government institutions.

Government originally assumed the duty only of quarantine. The leper was driven out to die; the smallpox patient was isolated in the pest house in the full belief that if his case was serious he could expect nothing but death. But the business of government to-day recognizes a duty beyond quarantine. It realizes it must not only prevent the spread of contagious disease by isolating the patient, but it must, if possible, prevent the inception of the epidemic and must cure the one stricken.

The pest house is no more. The business of government now maintains a hospital system. There the patient afflicted with any contagious disease must be isolated from his fellows and must himself be cured if possible. There, too, the person exposed to disease must be treated and saved from contracting it.

This modern thought in the business of government has resulted in a wide range of study and experiment. One of the greatest assets any city can now have is a modern hospital system.

Within comparatively recent years tuberculosis has been determined a curable and communicable disease. All governments have taken up the battle against it. In America a consistent war is being waged by federal, state, and local governments, and by various fraternal societies and other organizations. Progressive cities have joined in the war, and tuberculosis is being treated in municipal hospitals everywhere. It is considered the duty of the well-governed city to provide a sanatorium in which tuberculosis patients may be properly cared for and perhaps cured, and where they may be so instructed in care of themselves as to prevent their communicating the disease to others. As tuberculosis is especially prevalent among the poorer classes, it is usually provided that indigent patients shall be cared for at the expense of the public, while patients able to pay are usually treated at cost.

Most cities maintaining municipal hospital systems provide for the treatment of diphtheria, scarlet fever, measles, erysipelas, and smallpox. Those states in which leprosy and yellow fever are found also provide treatment for these diseases. Some cities go even farther, and treat the less dangerous diseases of chicken pox and whooping cough. The progressive cities will soon be treating syphilis in municipal hospitals.

Some cities maintain detention hospitals. In these, persons exposed to the more severe contagions, such as smallpox, scarlet fever, or diphtheria, are held under observation and given preventive treatment until they

have passed the stage where there is danger of communicating the disease to others.

The old pest house used to be removed far from the city, and the vicinity was forbidden ground. To-day theories have changed. It is now the practice to buy a large tract of land within convenient reach of the city and to construct thereon a complete hospital system. Here pavilions or cottages are provided for each kind of contagious disease. Each is kept carefully isolated within its own hospital, but all the hospitals are located upon the same tract, making it possible to heat all from a single heating plant, to provision all from a single administration building, and to economically provide constant medical attention and nursing for the patients.

Many cities are also treating drunkards with most excellent results. Instead of sending the drunkard to jail it is the practice to send him to this colony, where he is treated, given plenty of good wholesome food, a lot of hard, out-of-door work, and exercise. He usually returns from the colony built up in mind and body, ambitious to refrain from drink, and desirous and capable of returning to his home and his work and taking his place in society once more without the stigma of a jail sentence upon him.

Some larger cities, too, have taken upon themselves the work usually done by the states in caring for epileptics and idiots. In the old days many of these unfortunates were to be found on the poor farm. They made this a place of horror, instead of a refuge for the unfortunate.

Many cities, too, have adopted the farm colonies for treating children who, because of their home surroundings, are lacking in health. Thus the municipal hospital

system has been developed until there is scarcely a disease which the business of government does not consider it its duty to treat. Many cities have even gone so far as to maintain hospitals for general purposes.

Much work is also done outside the municipal hospitals but in the interest of the public health. Nurses to visit the sick poor are to be found in most cities, and instruction in housekeeping by which better sanitary conditions may be brought about is a later thought.

Among the most common practices outside the hospitals is the inspection of school children. They are treated for the various diseases of the skin and other ailments, and for deformities which can be corrected. The business of government recognizes it as its duty to watch and treat the throats, noses, ears, and eyes of the children in school. Dental clinics are growing in popularity; children's teeth are treated, and they are taught the care of them.

And so the business of government has come to be the great family doctor of all its stockholders. The result is a lower death rate, better conditions of living, brighter and more capable children, and consequently better and more efficient men and women.

## CHAPTER XXXV

### SANITATION

#### THE DUTY OF GOVERNMENT - THE CLEAN CITY

A MAN'S house is no longer his castle. No longer is a man permitted to do as he pleases beneath his own roof and on his own property, but he must have regard for his neighbor and for the community at large. The government now claims the right to regulate the lives and habits of all men so far as they may affect the happiness and health of others.

Sanitary conditions everywhere are a charge upon the business of government. Modern theories hold that it is the business of the municipal government to make men keep clean and healthy. No longer may the property owner build a chicken coop in his back yard; no longer may a man keep pigs and cows on his property to create a nuisance to his neighbors; no longer may he try out lard, and thus create a stench over the surrounding property; no longer may one property owner build a house close up against the home of another man; no longer may a man place in his home only so many windows as he desires; no longer may he use his back yard for a dumping ground. The city tells him what he may and what he may not do upon his own property. He may not do anything that will endanger either his own or his neighbors' health and happiness.

The clean city is the healthy, the prosperous, the happy city, the one we all like to visit and the one we remember



most pleasantly. To keep a city clean is now one of the most important functions of the business of government. No branch of municipal government is more carefully studied than sanitation. It is the big factor in public life. Men make life studies and professions of it. What then constitutes the clean, the sanitary city?

The streets must be clean—free from mud, from dust, from manure, from paper, from fruit skins.

The alleys must be clean—free from accumulations of ashes, garbage, and manure piles.

The back yards must be clean—free from accumulations of rags, papers, and rubbish.

The air must be clean—free from smoke, soot, fumes, stenches, and dust.

The city must be well sewered, with as few outhouses as possible. These must be kept clean.

The woodsheds, barns, and chicken coops must be kept clean.

The homes must have proper light, heat, ventilation, and plumbing.

The hotels, restaurants, and candy kitchens must be above ground, well lighted, well ventilated, clean.

Their products must be prepared in a clean and wholesome manner, and of proper material.

The markets must be kept clean, and the articles offered for sale must be protected from flies and from dust.

The business of government claims the right to send its inspectors about to find out if the homes, the factories, and the business places of all kinds are sanitary. It claims the right to order a toilet installed, to force a man to connect with a sewer, to compel the cutting of a new window, to force a general clean-up.

Thus has the business of government a giant task to

perform. In giving to its stockholders the best of sanitation and sanitary conditions it is paying one of its greatest dividends. To accomplish this, the business of government must engage in many enterprises. It must lay down rules covering the methods of building houses used for human habitation, and how they may sit upon the lot. It must by law provide the necessary prohibition against the chicken coop, the rubbish pile, the manure box, the outhouse.

It must provide for carrying away sewage. Within a few years it will be the duty of government in each city to provide means for disposing of sewage before it is emptied into river, stream, or lake.

The city must collect garbage and dispose of it in a sanitary manner. In some cities the collection of garbage is let to a private company. This plan has not generally worked as well as for the city to make its own collections. On the other hand, it has generally been found more satisfactory to let to a private company the disposal of the garbage after the city has collected it.

It has been quite the custom for cities to burn their garbage. But it is now charged that by this method a vast amount of valuable material is being wasted. Private companies, and even some cities, have undertaken to operate utilization plants. In these the oils, acids, and other valuable by-products are taken out of the refuse.

In some cities garbage has been used as feed for hogs. Private companies have found considerable profit in the operation of hog ranches. In some instances the hog raisers have paid the city handsomely for its garbage. Enough has even been realized to pay for the collection.

Collection and disposal of rubbish furnishes another problem. Some of the utilization plants have made

money through the collection of valuable materials from rubbish. The more general practice, however, is to burn ashes and rubbish, and that is generally considered safer from a health standpoint.

Keeping the streets well cleaned and sprinkled is an important factor in sanitation, for it is now recognized that much of disease may be carried in the dust which is blown up from the streets. The street sweepings are usually destroyed, although in some cities they are used for fertilizer with good results.

No city pretending to be well governed is now without its smoke-inspection department. Flying smoke and soot are no longer tolerated. Usually a clarification of the atmosphere may be brought about through education of engineers and firemen and the installation of smoke-consuming devices. It becomes the duty, then, of the smoke-inspection department to instruct the engineers and firemen as to the kind of coal to use and the proper method of using it to get the best results with the least amount of smoke. Within the last few years, too, great advances have been made in perfecting smoke consumers, and manufacturers are finding they can save fuel bills through the installation of some of these devices. Furthermore, the greatest result is being accomplished in clearing the atmosphere of the smoke and soot and fumes.

Thus has the business of government gone far and in many directions toward keeping the city clean below and above and around. In bringing about sanitary conditions of earth, air, home, and working place it is bringing health and happiness to its stockholders; it is paying one of its greatest dividends, one that is more valuable than cash.

## CHAPTER XXXVI

### RECREATION

#### THE CITY COMMONS — THE PARKS — THE PLAYGROUNDS

HAPPY is that city through which runs a stream, a gully, or a bluff, for in that water course, that apparently ugly gash, or that rising ground lies an asset for which less fortunate cities would gladly pay millions of dollars. To use the stream as a sewer, or the gully as a dumping ground, or to level the bluff is to waste valuable beauty spots which Nature has provided.

The greatest asset of the business of government is the health and happiness of its customers. This fact now thoroughly understood, the progressive city tenaciously holds to every piece of property to which by any chance it may gain a title. It eagerly seizes whatever property it may, no matter how worthless that property may appear to be.

Just as the private corporation provides restrooms, telephone service, writing desks, and lunchrooms for its employees and customers, so the business of government must provide for its stockholders and customers places in which they may enjoy the beauties of nature, assemble for picnics, play games, go swimming, and find recreation and enjoyment of many kinds.

These are products more demanded now of the business of government than ever before. History gives the reason.

In the most ancient times the people were accustomed

to meet the tribal chiefs in the clearing in the forest, in the grove, or under some sacred tree. In more modern times the public square in the village was the meeting place in which the proclamations of the ruler were read. Here, too, a returned soldier told the people of the village of the loved ones still away at the war. Here, on festal days, the youths and maidens danced on the green. Thus did the public park become the assembling place of the people, the place in which they met either for business or for pleasure.

Still more modern times enlarged the scope of usefulness of these gathering places. In America they became known as the city commons, because they were the meeting places of the common people. Some of these commons have gained their places in history. The Boston Common, perhaps, is best known.

Here, right in the heart of the great city of Boston, right in its most crowded business district, lies this great tract of land, in truth the property of the common people. Here freedom of speech is practically unlimited, and here the socialist, the religious enthusiast, the campaign orator, the labor-union worker may expound his views to the thousands who are always present.

The growing city has added features to these commons. To-day one may find a dozen baseball games going on, an equal number of tennis matches in progress, a swimming hole well patronized, a wading pool filled with children sailing their toy boats. Here, too, on any hot summer night, one may find hundreds of men and women and children, driven from their cramped tenement houses by the great heat, stretched upon the grass, enjoying the sleep and rest denied them in their homes.

Thus have the city commons become truly the property of the people. From this has come the demand for the public park and playground. Slow to acquire these lands as most cities have been, everywhere in America to-day cities are bonding themselves heavily for the purpose of buying them.

Cities are now paying fancy prices for property which twenty-five years ago they might have secured for a song. Great cities like New York and Chicago have been forced to spend millions of dollars to build piers out into the ocean, the river, or the lake because land in that vicinity is not to be secured at any price. Buildings are being razed that a playground and breathing place may be provided for the people who live in the tenements around. Whatever the cost, the parks and playgrounds must be secured. The customers of the business of government demand them; the business of government must carry the product in stock.

As forethought a quarter or a half century ago might have saved the business of government millions of dollars and enabled it to turn out a vastly superior product at the same time, so forethought to-day may save other millions to the business of government a quarter century hence.

As cities grow, the wise officials will from time to time pick up lands to hold for the future when the territory around them will be built up. The land which is worthless for manufacturing purposes, which no real-estate man would pretend to plat, upon which no house could be built, may be turned to the best of account for park or playground.

That gully which cuts an apparently ugly gash through the city, and which perhaps has up to now been used

as a dumping place in the hope that some day it will be filled up and fit for building purposes is the ideal spot for a natural park. Here the natural trees and shrubs, with a rugged path winding among them, will form a park worth hundreds of thousands of dollars a quarter century hence.

That precipitous bluff which somebody wanted to level in order that the land might be used for factory purposes, is worth more than a dozen factories if converted into a natural park with, perhaps, a winding drive around it.

That stream which has been used as a sewer, a breeding place for disease, when cleaned out, properly bridged, and its banks beautified, makes in summer the ideal lagoon upon which boats may be sailed, and in winter makes the ideal skating pond. There may be constructed the swimming hole in which the children may learn to swim and enjoy the sport without danger of drowning. There may the little ones wade and splash in safety, and thus gain health and happiness in the out-of-door life.

Modern ideas regarding the public park have changed materially from those of a quarter century ago. Modern ideas are more nearly the ideas of a century ago. To-day no park is complete unless, in addition to the trees, shrubbery, and flower beds, the playground, the swimming hole, and the picnic ground, a place is provided where the people may meet to hear speeches or listen to music.

"Keep off the grass" signs have no place in the public parks of to-day. Too frequently in the past have parks been mere places in which the people, the real owners of those parks, might go merely to admire from a distance the beautiful flowers and the green grass which they never saw around their own homes. The family

that lives in the crowded district, where the sun glares all day upon the gray pavement which casts back its heat with greater intensity, where naught but the smell of the street, the dirty back yard, and the alley greets the nostrils all day and all night, looks upon the cool green grass and longs to stretch at length upon it, sees a bright flower and longs for just one smell of its fragrance, and, confronted with that "Keep off the grass" sign, is made to feel that after all there is nothing anywhere for the poor and the unfortunate.

No longer does the policeman rap the feet of the man or woman who sleeps on the park bench on a hot night. That is what the park is for—to give to the people the rest and recreation, the comfort and the health and happiness, denied them in their everyday surroundings.

Thus are the parks of to-day divided into two classes. In one are the beauties, the well-trimmed walks, the flower beds, the conservatory, the shrubbery. In the other are the picnic grounds, the playgrounds, the baseball fields, the tennis courts, the swimming hole, the bandstand, the place where the speaker may address those who desire to hear him. In the latter there are no "Keep off the grass" signs; in the former none are needed, for the people will not destroy their own.

The park of to-day, too, is educational as well as recreational. In the well-regulated park the trees, the shrubs, and the flowers are all labeled with their names. School children, and their elders who have not had the opportunities otherwise, may be seen studying those labels and learning to distinguish each particular tree, shrub, or flower when they see it elsewhere.

Animals, birds, and fish are frequently kept in the parks of to-day. There the people have an opportunity



to see and to study the animals of all lands about which they would otherwise know nothing except what little they might read. The New York authorities some time ago placed in one park an ordinary cow. Thousands of the children of that great city had never seen one, and knew nothing about where milk came from. No better educational feature could have been devised.

Thus are the public park, the playground, and the boulevard along the river bank among the great products which the customers of the business of government demand and which must be supplied.

## CHAPTER XXXVII

### SOCIAL WELFARE

#### SCIENTIFIC CHARITY - SOCIAL CENTERS - HOUSING

"THE poor always ye have with you."

This statement has been true since the beginning of time. One of the earliest recognized duties of government was to care for the indigent. For centuries the poorhouse has been recognized as a necessary institution in the business of government.

Cities have always cared for their poor. Until recent years, however, this care has consisted simply in dispensing food, clothing, fuel, medicine, and other necessities in a most promiscuous and unscientific manner. In recent years the problem of caring for the poor has been given a vast amount of thought and study. Along with the study of other municipal problems has come that of preventing poverty as well as of caring for the poor.

Under the old methods the poor were looked upon as necessary evils. The poor master considered it his duty merely to keep the poor from starving and from freezing. He had no thought of uplift, gave no consideration to the children of the poor and the effect of poverty upon their future lives. To be poor was looked upon as a disgrace, and once having become a charge upon the community, the person assisted lost all self-respect and accepted the necessities tossed him just as a dog accepts a bone.

It was usually too much trouble to care for a poor

family outside the poor farm. Consequently, whole families were sent to this institution. There children were born; there they grew up, charges upon the community, ignorant, absorbing the idea that if they did nothing the public would not let them starve. Thus was pauperism bred.

To-day the method of caring for the unfortunate is altogether different. The poorhouse is the last resort, while prevention is the first thought. Instruction in how to live is one of the chief endeavors. Care of the poor ought to be centralized under one official body. Promiscuous giving by persons who give merely because they are large-hearted, or because they desire to appear so, should be discouraged. Under a social-welfare commission of official standing, working as a department of the business of government, employing scientific methods of assistance, of uplift, of education, all such work can best be done from the standpoint of both economy and public welfare.

Unfortunately, the poor have always been the prey of those who think they pave a straight road into heaven through promiscuous, blatant, and ostentatious almsgiving. Societies, clubs, church organizations, fraternal orders, and individuals have been accustomed to distribute aid to whosoever asks and appears to be in need. Meantime the municipality has, or should have, a well-organized department, attending in a scientific manner those who are really in need. The result of the promiscuous almsgiving is to breed idleness, encourage shiftlessness and deceit, set an unwholesome example for children, and waste money.

Under the social-welfare commission of the well-governed city work is given before alms; necessities

are provided only in an emergency. Thrift is demanded, and instruction in the economical method of expending the wage is given.

Many cities employ visiting nurses and visiting housewives. They first care for the sick poor, at the same time giving instruction in the purchase of healthful and economical food and clothing. The visiting housewife teaches best methods of expending the wage, of buying economically, and of preventing waste.

A still more modern method of assisting the poor, especially those who because of lack of work are only temporarily embarrassed, is to provide a system of loans. By this means the family, hard pressed because the breadwinner is for a time out of work, is able to borrow from the city and to pay back the loan when work and prosperity return. Thus many a family is able to secure much-needed relief without a feeling that it has accepted alms. Self-respect is preserved, a sense of obligation is engendered, and the danger of breeding pauperism is minimized.

When all communities have accepted this method of caring for the poor, when all charity organizations have subordinated themselves to the official social-welfare commission of the city and when that commission employs only scientific methods, then pauperism will begin its retreat.

But mitigating poverty is not the only duty devolved upon the social-welfare commission. Social-center work is one of its most important functions. When the schoolhouses are opened evenings for the use, in a social way, of the people living in the vicinity, when these social centers become the neighborhood clubs, then the saloon, the poolroom, and the corner store lose their grip.

Modern governmental methods provide that the social center, whether located in a schoolhouse or in a building erected for the purpose, shall be a place in which men and their wives and children may meet for social intercourse, to listen to lectures, to dance, to play games, to hold banquets, to discuss the problems of the day,—a place in which education and enjoyment may be found under an environment that will serve to better the whole community.

The administration of the library, museum, art gallery, and playground may well be placed under the social-welfare commission. So, too, it is a proper function of this commission to investigate conditions relative to child welfare and labor, and the conditions under which women are employed.

Mothers' pensions, wage conditions, vice, and all sorts of conditions which affect the public welfare lie directly within the powers of such an organization. Housing conditions especially may be studied by the social-welfare commission. It is strictly within the scope of such an organization to better the conditions under which the people live and work. Such a commission may well attend to the enforcement of provisions by which dwellings and places of employment shall be well lighted, well ventilated, clean, and sanitary.

Such a commission has a wide range of usefulness both in its real activities and in its study of conditions and recommendations of ordinances and laws to better conditions for the general public.

## CHAPTER XXXVIII

### FRANCHISES

PRIVILEGES, NOT RIGHTS — THE PEOPLE FIRST TO BE  
CONSIDERED — SOME PROPER PROVISIONS

**F**RANCHISES are privileges, not rights. The business of government grants to the private corporation the privilege of using the peoples' property for commercial purposes. The streets, alleys, parks, and so on are the property of the stockholders in the business of government. The sole right to use and control this public property is vested in the stockholders in the business of government, and the privilege for some other corporation to use this property can be granted only by the people.

When the business of government grants to some private corporation the privilege of using the streets or other public property, it is justly entitled to exact compensation for the favor. Moreover, when the property of the people is to be used by a private corporation the business of government is in duty bound to see to it that that use is for the benefit of the people who own it.

In the early days, when cities were small and undeveloped, their great problem was to attract business, to encourage growth. Then it was highly desirable that waterworks, gas plants, electric systems, and street-car systems should be constructed. It was quite customary then to offer to private companies with money to invest inducements to take out franchises. Among these inducements were perpetual franchises, exclusive rights in the

streets, protection against competition, exemption from taxes for a certain number of years, grants of land, and frequently no restrictions upon rates.

The theory was that the city was glad to secure the utility, whatever it was, for it would serve to build up the city and be a convenience to the people. Private corporations were quick to grasp the opportunities. Many of them secured franchises running into perpetuity or for excessively long terms; many secured exclusive rights, not privileges, to use the streets, with no restrictions as to service or rates.

The new era in the business of government has brought to mind the fact that the streets are the property of the people. It is the new theory, too, that the rights of the people in those streets cannot be given away. Privileges only must be granted. In return for these privileges the business of government is in duty bound to secure compensation and to secure service for the welfare of the people.

Franchises are now granted only with that fundamental in mind. Different cities have worked out different franchises. The subject is so large that volumes have been written upon it. Some of the fundamental requirements are as follows:

Application for a franchise must be made at least six months before it may be granted. Upon application, the proposal must be published in full several times, public hearings must be provided for, and no action may be taken in secret. These precautions are taken in order that every man may have an opportunity to know what the desired privilege is, and that it may be discussed at length.

It is usually required that an application for a renewal

of a franchise must be made at least one year before the expiration of the existing franchise. This is for the purpose of preventing the instrument being rushed through without proper consideration. It is in order, too, that examination may be made of the business affairs of the company seeking the renewal, that complaints may be made, and that suggestions for improvement of service or reduction in rates may be offered.

It is also frequently the custom to permit the application for a renewal of a franchise at the time of the expiration of its first mortgage bonds, which is usually several years before the expiration of the franchise.

No franchise should be granted for more than thirty years, and twenty years is now considered even better practice.

It is usually required that a franchise shall be put into operation within a year at most after the granting thereof.

All amendments to franchise ordinances are made to expire at the same time as the original grant. This is to prevent the possibility of a claim for operation on some extension after the termination of the original franchise.

Speculating in the franchise is prohibited by the requirement that it may not be sold or transferred except by permission of the legislative body of the city.

The original grant of franchise should specify the value of the property. This is usually reached by placing within the franchise, or in a supplementary document, the actual cost of reproducing the property. The franchise itself is given no value.

The original franchise should fix the maximum charge for service. Provisions should also be made by which



the city may demand and secure a reduced charge from time to time, in proportion to the earnings of the company.

It has become quite customary to fix eight per cent upon the actual cash invested as a fair dividend a public utility may pay; when the earnings of the company exceed this rate the city should become a sharer in the excess. This may be brought about either through an actual money division between the company and the city, or through a reduction in the rates which will affect the whole people.

The city usually reserves the right to prescribe the accounting system and the form of reports the company must make. Some official of the city is given authority to examine these accounts and to determine the earnings of the company.

Regulations for the public safety and welfare are left to the city, and the authority to order extensions of service is usually vested in the legislative body of the city.

Discrimination in service and rates of charge is prohibited, and to the city is left the power of correcting discriminations. Free service is prohibited.

The city reserves the power to operate the system upon the expiration or forfeiture of the franchise.

The city reserves the right to acquire the property upon the termination of the franchise or at the end of any five-year period, after the first, during the life of the franchise.

Matters of difference between the company and the city are subject to arbitration. The burden of proof should be upon the company, which should also bear the expense of arbitration.

While the most careful restrictions should surround the granting of any privilege to a private corporation, these regulations should not be needlessly burdensome. The investment of private capital should be encouraged, and the desire to protect the rights of the people should not result in useless burden upon the investor. He should be encouraged under proper restrictions and safeguards. The welfare of the people must be first considered.

The one fundamental thought should be that the franchise is a privilege, not a right.

## CHAPTER XXXIX

### PUBLIC UTILITIES

#### PRIVATE OWNERSHIP AND OPERATION — MUNICIPAL OWNERSHIP AND OPERATION — MUNICIPAL OWNERSHIP AND PRIVATE OPERATION

**W**HAT the people must have, they should control. If control necessitates ownership, then the people must own.

This is a principle of government now recognized throughout the world. It applies to all public utilities which are for the health, safety, or convenience of the people. The utilities are divided into three classes:

*First:* Those which are better privately owned and operated.

*Second:* Those which are better municipally owned and operated.

*Third:* Those which may be municipally owned but privately operated.

It is the general theory of government that private enterprise should be encouraged, that the municipality should not compete with the individual with money to invest. Thus it was usually the private investor who sought to install in cities water and lighting systems, power plants, gas works, and street-car and telephone systems. Most cities, glad to secure these necessities and conveniences, readily granted rights of installation and operation to private corporations.

It was early recognized as a duty of government to provide for the people certain necessities, and these at the

lowest possible cost. It was soon discovered that the city could best insure a safe and adequate water supply, and at a lower cost to the consumer, than it could be bought from a dividend-seeking corporation. The city itself was usually the heaviest consumer of water, too. It must use it for fire protection, for street cleaning, for sewer flushing, and in the parks and public buildings. Therefore it was early recognized as good public policy for the city to own and operate the waterworks system. If the city were to enforce the use of water for sanitary purposes it must control that water system and be in a position to extend the mains into all streets in which there were houses.

Most cities now own their waterworks systems. They sell to the people at a price not intended to show a profit but at a sufficient rate to pay the cost of operation and maintenance and to set aside enough money to meet interest and principal on bonds and to provide the necessary extensions of service.

Street-lighting systems had much the same history. It is the duty of the business of government to provide adequate lighting for the public streets. While most of the original electric-lighting plants were installed by private capital, and the city bought its street lights from these corporations, most cities now realize that they can give better service through a municipally owned and operated plant. Usually, too, the municipal lighting plant can be operated at a smaller expense than the current can be purchased from the private corporation.

Some cities have found it necessary to go even farther and to engage in commercial lighting. By this is meant supplying electricity for lighting dwellings and stores and factories.

Many abuses of franchise privileges grew up. Private companies took advantage of the city's eagerness to secure a lighting plant and secured franchises which left the people unprotected. Many times poor service and excessive rates were the result. Such conditions forced the municipality to engage in commercial lighting in competition with the private corporation. But, wherever possible, commercial lighting is best owned and operated by the private company. That the city should not engage in the business for revenue is the general theory; yet there are conditions under which it is the duty of the business of government to compete with the private company as a protection to the people. The theory, too, is changing to a marked degree. Strong argument is made that the municipality should engage in revenue-producing enterprises whereby taxation may be reduced or abolished.

The development of power plants has the same history. Under ordinary conditions, the private company should be granted the franchise to sell power under proper restrictions. The city may generate power for the operation of its own utilities; but if the private corporation abuses its privileges, it is entirely proper that the municipality should enter into competition to improve the service and lower the rates.

The street-car problem has occupied more of the attention of city officials and those interested in government than almost any other question. Originally cities were glad, indeed, to grant a franchise to a company to construct and operate a street-car system. The system serves to build up a city and has become a convenience now amounting to a necessity. To gain the conveniences, cities granted franchises for which little compensation was demanded. Street-car companies failed to extend

their lines as demanded by the people; they refused to supply sufficient cars to carry the crowds going and coming from work. Their profits were usually large, yet they refused to lower the fares as demanded. Then came the demand that the municipality take over the lines or construct competing lines to be operated for the benefit of the people. Mayor Tom L. Johnson of Cleveland fought the street-car companies for years, and finally constructed competing lines with reduced fares. Other cities have voted for municipal ownership of street-car systems. Much is to be said both for and against the plan.

That there is and always will be the political equation to be considered in municipal government must be recognized. To secure efficient management and service on great street-car systems which may be subject to changing conditions under different administrations is a difficult matter. The city of Detroit, after years of bitter warfare against inadequate street-car service, by popular vote declared by an overwhelming majority in favor of municipal ownership. If the people, after a careful study of conditions, vote in favor of municipal ownership, they should most certainly have it. Street-car systems should only be taken over upon the vote of the people. The same principle, too, should apply to the municipal ownership of any utility.

Some cities have solved this traffic problem by municipal ownership but private operation. These cities have held that the people own the streets and the tracks in them. They have then leased to a private company the privilege of operating over those tracks. The company is held to certain rates of fare and to certain service, and pays the city handsomely for the lease. In this

manner these cities have secured control over the utility without being forced to the great problem of operating it.

Telephone companies may be handled in the same way that street-car companies are. They are better operated by the private company. Failure to give service or reasonable rates may warrant either the municipal ownership and operation of the system or the municipal ownership and private operation.

Every franchise now granted ought to contain a municipal-ownership clause. This would give the municipality the right to take over the utility whenever the people by their votes so determined. The price to be paid for it should be fixed in general terms in the franchise. It should not exceed the cost of reproduction of the system, with no value given to the franchise itself. The method of determining the cost of reproduction should be stated in the franchise; differences of opinion in the negotiations should be determined by arbitration provided for in the franchise.

The money for acquiring the system may be secured by bonding the system itself. Most states permit such bonding in excess of the limit of the general bonded debt.

The municipal-ownership theory was until recently looked upon with disfavor by almost everybody. It was considered a dream, and impracticable. But the idea is gaining favor each year, and many cities have gone to the extent of taking over street-car systems. The tendency is to favor municipal ownership of any and all utilities which have become indispensable to the people.

## CHAPTER XL

### MAKING THE CHARTER

#### BY THE LEGISLATURE — UNDER HOME RULE

**F**OUNDED as this nation is upon the principle of government by the people governed, it is only since the dawn of the twentieth century that this principle has been actually observed in local government.

Fundamentals of American government, like fundamentals of American law, were brought over from the Old World by the colonists. Some of these fundamentals were traditional even in colonial days, yet the American people have been slow to abandon them.

Charters for the founding of the various colonies were granted by the kings. So when the colonies were united into a nation, independent of the rest of the world, it was but natural that they should vest the federal government with certain prerogatives formerly exercised by the throne. Therefore the rights of statehood were then and are still granted by the federal government. The first constitution of a new state must be approved by Congress and the president. The right of statehood itself is granted by Congress. After the state has been admitted, it may change its constitution to suit its own conditions and views.

Following this same line of reasoning, the state reserved to itself the same paternal rights over cities. State constitutions generally provided for the incorporation of cities under certain circumstances and conditions. The



framing of municipal charters was reserved to the state legislatures. The constitutions provided what must be in charters, and the legislatures placed these essentials there.

This situation naturally led to discontent. More especially was this true when modern thought along governmental lines brought forth the home-rule idea. This theory demanded that the people governed should write their own charters and their own basic laws.

In the great majority of the legislatures more than half the membership is composed of farmers or men representing rural districts. In many of the great middle-western states, where agriculture is the principal occupation, seventy-five or even a greater per cent of the membership of the legislatures are of this class. Many of these states contain but one, or possibly three or four, large cities. Yet the charters of these great cities were made by farmers in the legislatures, men who for the most part had never lived in a city, large or small. Some of them had never been in a large city; few, if any, of them knew anything practicable about the needs of a municipality.

Take the state of Michigan as a fair example. About two thirds of the legislature there is composed of farmers. These men drafted the charters for the city of Detroit, a city of a half million inhabitants. Regardless of what the city wanted, if for any reason the legislators from the rural districts saw fit to oppose it the big city must go without.

Matters of taxation, bond issues, and ownership of public utilities were always the special care of the state. The rural members of the legislature, having no conception of city needs, quite generally were inclined to place

needless restrictions upon taxation and other financial affairs of the city.

The home-rule theory was born just because of such conditions. Cities everywhere took up the cry, and demanded that they should have the right to write their own charters. During the first decade of the twentieth century a large number of states revised their constitutions. In each one the question of home-rule became one of the great issues; in nearly every one the constitutional conventions were compelled by popular clamor to grant the right of home rule. Yet in most instances this was done grudgingly, for the country members disliked to see their paternal care cast aside. The professional politician opposed it, because he found in the city charter before the legislature the best sort of club with which to keep members in line. The chairman of the committee having to do with municipal charters was always in a position to force legislators from cities to do his bidding on penalty of having their charters held up.

Many of these new constitutions still retain certain restrictive powers over city charters. Most of them, in granting home rule, still placed a limit upon the amount of taxes, upon the bonded debt, and upon ownership of public utilities, and demanded a certain supervision over elections. The attitude of the state has always been that of fear lest the municipal corporation would not show proper self-restraint and would be prone to radical and ill-considered measures unless watched over by the state.

But these new constitutions generally provided for charter building by those who must be bound by the charter. The charter is to the city what the constitution is to the state and the nation. It is the basic law of the municipality; it is the grant of powers to the legislative

and administrative authorities of the city; it determines the form of government, places the necessary restrictions, and grants the proper privileges; it is upon the charter that all legislation and administration in the city must be founded.

Under the home-rule acts it is the general provision that a commission may be elected by the people of the city. This commission drafts the charter and submits it to the people for their final adoption or rejection. It is under home rule that the widespread adoption of the commission form of government has been made possible, and it is under this system that the city-manager plan is being popularized. Few of the legislatures under the old system would have granted to any city the right to experiment with such new-fangled theories. It is under home rule that non-partisan municipal elections have been made possible. Few partisan legislatures would have permitted this destruction of party machinery.

Two errors seem quite common among charter commissions in home-rule cities. One error is in having too many attorneys on the charter commission. It used to be considered that attorneys were best fitted for membership upon any legislative body, and it is still a too prevalent idea that city charters may best be written by lawyers. This is not the fact. It is now recognized that many of the best members of Congress and of legislatures are hard-headed, practical men who have an idea concisely in mind and express it in few words and in such plain language that every man can understand it.

The lawyer too frequently splits hairs in language to such an extent that he has left an opportunity for another attorney to split hairs, too. This may, perhaps, bring about a legal decision giving to a section of the charter

a construction exactly opposite to the intent of the writers.

Charters are prone, too, to be too long. The municipal charter should be as clear and concise as possible; verbiage should be reduced to the minimum. Charters should not be littered with ordinances any more than should constitutions be littered with statutes.

## CHAPTER XLI

### ORDINANCES

WHAT THEY ARE — HOW WRITTEN — BY WHOM PASSED —  
THE VETO POWER

**O**RDINANCES are the laws which govern the relations of the people with the municipality. They are to the city what the statutes are to the state. The statutes regulate the relations of the people to the whole state.

Ordinances cover a wide range of subjects. Because they deal with the smallest unit of organized government, and therefore with the more intimate relations of the people to the government, the regulations embodied in them are most numerous and deal with most minute subjects.

The subjects covered by ordinances fall into classes, just as the divisions of government themselves fall into certain classes. These are:

*Public safety:* Regulations controlling the sale of weapons, the carrying of firearms, handling of explosives, traffic in the streets, stringing of electric wires, storage of inflammable substances, construction of buildings, licensing of those kinds of business which may directly or indirectly be dangerous to the public.

*Public health:* Regulations controlling sanitation, collection and disposal of garbage and rubbish, quarantine, purity of food, drink, and air, housing

conditions both at home and in places of employment, inspection of places in which foods are sold or prepared, licensing all those various business enterprises which deal directly or indirectly with the public health.

*Public morals:* Regulations controlling the theaters, dance halls, and other places of public amusement, language on the streets and in other public places, keeping of rooming houses and hotels, observation of the Sabbath, and the licensing of all sorts of enterprises in which public morals might be affected.

*Public convenience:* Regulations controlling the names of streets, the use of parks and boulevards, and so on.

*Public policy:* Regulations controlling the care of the poor, weights and measures, licensing all sorts of business such as pawn brokerage, money lending, and others which directly or indirectly affect the public welfare.

Two methods of enacting ordinances are now common. Formerly all ordinances were enacted by the legislative body of the city. Now, through the initiative, ordinances may be enacted directly by the people without the aid of the council or commission. In the latter instance it is usually provided that when the people petition for a certain ordinance the legislative body shall first be given the opportunity to enact it. Failure to heed the will of the people is followed by a petition to submit the proposed ordinance to the vote of the people. If the people adopt the ordinance, it becomes a law without the action of the legislative body.

It is sometimes provided that if the legislative body

adopts an ordinance presented by the people, but with amendments, the two proposals shall be placed before the electorate for a determination of their choice.

Many different safety measures are provided for both methods of enacting ordinances. The greatest safety valve that can be put upon any legislation or act of government is publicity. In order, then, that no detrimental provisions may be placed in an ordinance, it is usually provided that it must be read three times in the legislative body before it may be finally passed. A further safety provision is that prior to its final passage the instrument must be printed in full; after its final passage, it must again be printed in full as passed. It does not become effective until the people have had ample time to examine it. It is quite usual that ordinances which contain a penalty clause shall, after final passage, be printed in full and lie inactive a period of perhaps thirty days before becoming effective.

Still another safeguard provided for the ordinance made by the legislative body is the veto. This veto power is usually vested in the mayor. For perhaps twenty-four hours after the final passage of an ordinance the mayor is given an opportunity to either approve or disapprove it. If he disapproves it, the ordinance goes back to the legislative body with the reasons for the disapproval. If the legislative body then passes the ordinance by a two-thirds vote, it becomes a law over the veto.

The more recent and more effective means of safeguarding an ordinance is through the referendum, or the veto by the people. This is operated in two ways:

*First:* If the members of the legislative body are in doubt as to the wishes of the people on a given ordinance, the council or commission may itself

attach the referendum clause. The ordinance then goes automatically to the people. If a majority of the voters express themselves as opposed to the instrument, it does not become a law; if a majority declare in favor of it, it becomes effective.

*Second:* During the period in which the ordinance lies inactive following its final passage, a petition signed by a certain percentage of the voters asking an opportunity to express their desires must be granted. The ordinance is then placed before the voters and their ballots decide whether or not the ordinance shall become effective.

All ordinances are written and enacted for the protection of the public. They are to safeguard the people against danger, immorality, and fraud. To accomplish these ends they must set forth what shall be done and what shall not be done. For instance, they may prohibit an electric company from permitting its wires to dangle dangerously. They may command a milk dealer to keep his milk cold and in clean bottles. They may prohibit a man from allowing his dog to run at large, and command him to take out a license for that dog. They may prohibit an automobile driver from turning his car around in the middle of a block, and command him to keep to the right side of the street. They may prohibit a man from dumping ashes into the alley, and command him to dispose of the rubbish on his lot.

The best form of ordinance, therefore, is that which in plain and simple terms of "Thou shalt" and "Thou shalt not" tells directly what a person is commanded to do and what he is prohibited from doing. It has long been customary to write ordinances in the lengthy and verbose terms of law. This frequently gives opportunity



for extended legal battles over the real meaning of the act. In consequence, it is becoming more and more the custom to simplify the language, to omit the long legal forms, and to express the command and the prohibition in the fewest words, and in the most direct and simple language.

The well-governed city, too, will write its ordinances in the form of codes. All measures dealing with housing conditions, for example, will be written into one code. The man who proposes to build a house or an apartment building will then be able to turn to this code and there find in simple, direct language all the things he must do in order to comply with the law.

All measures relative to licenses will be compiled in another code. The man intending to engage in business will then be able, by glancing through this code, to learn whether he must take out a license, what it is going to cost him, and what restrictions there may be upon his proposed enterprise.

All measures pertaining to health will form another code. It will then be possible for the public and for the health officials to find in a single code all the requirements demanded in order that the health of the city may be preserved.

By this method the laws relating to all departments of the business of government will be codified. It makes them simpler and easier to understand. The too frequent excuse for violations, "I did n't know that was the law," becomes vastly less potent.

## CHAPTER XLII

### PRINCIPLES OF DEMOCRACY

#### THE INITIATIVE, THE REFERENDUM, AND THE RECALL — THEIR SAFEGUARDS

“**L**ET the people rule” became a popular cry as soon as public interest in the business of government began to be stimulated. Founded though the government was upon this very principle, representative government had resulted in a drifting away from the principles of pure democracy. To return the reins of government directly to the hands of the people, to approach as nearly as possible actual government by the people, became the one great end sought as a cure for many ills.

It was to Switzerland and New Zealand that Americans turned their eyes in search of the principles of the true democracy. Here they found in successful operation the initiative, referendum, and recall.

Attempts to apply these principles in American government met with the most bitter opposition. So strongly seated had representative government become that the very basis upon which the national government was founded had been lost sight of. No charge was made that these principles would take the business of government from the people; the opposition was that the principles of democracy would result in the overthrow of representative government.

The politician who had been able to control legislation, the corporation lawyer and the lobbyist who had

been able to influence legislative bodies to his own advantage, placed every possible argument and obstacle in the way of returning government to the hands of the people. Naturally, the official who was actually dishonest, or who was inefficient, opposed these principles. In them he could see the likelihood of losing his own position.

But American citizenship, too long slumbering, had been aroused. Campaigns were organized. The principles of the pure democracy were popularized and fought for, and finally adopted quite generally. The start was usually made in the city, the small unit. No city which pretends to be at all progressive is now without them. They have been adopted also by many state governments. The assault upon the national government has gained great headway. What then are these principles, how are they operated, and how safeguarded?

The initiative is usually named first when speaking of the three principles. It was, however, second to the referendum in gaining a place in the business of government. The referendum is merely the expression of the people themselves upon an action already taken by the legislative body. Opposition to this principle yielded by degrees. The first point gained was the referendum on franchises. It was in the granting of franchises without proper protection and compensation to the municipality that the greatest abuses arose.

It was usually provided that the franchise ordinance must lie upon the table a certain length of time before it could become effective. If, in the meantime, a petition signed by a certain percentage of the voters was presented, the franchise must be placed before the people

for their vote before it could become operative. Many members of the legislative bodies also took advantage of the referendum to protect themselves from criticism in franchise matters. It was frequently the custom for an alderman, when a storm of protest was raised against a franchise, to attach the referendum to the ordinance. He would thus shift the burden of responsibility upon the people.

From mere matters of franchise, the referendum was applied to bond issues, thence to ordinances regulating saloons, perhaps, and finally it has been generally accepted as a proper principle of government to be applied to all legislative matters.

The initiative followed as a natural consequence of the referendum. If the people were to have the veto upon legislative action, why not the right to initiate that legislation? Trouble had been experienced in more than one city in forcing the legislative body to enact legislation demanded by the people. The same arguments were used against the initiative as against the referendum.

The first step toward the adoption of the initiative was the granting of the right of advisory initiative. By this was meant that a certain percentage of the voters could petition the legislative body to enact a certain law. The matter of enacting it, or not, was left entirely with the legislative body. But the wedge had been entered; the battle was fought and again won. The result was the full initiative.

By the initiative is meant simply that if a certain percentage of the voters sign a petition asking the enactment of an ordinance, the legislative body may enact it as presented. If the legislative body fails to do so, the law must automatically go to the voters at the polls. If a

majority of the voters favor it, it must become law regardless of the legislative body.

The recall is the final and most bitterly opposed of the trio of principles. It provides that if an official is charged with dishonesty or inefficiency he may be removed from office by the vote of the people. If a certain percentage of the voters sign a petition asking the recall of John Smith, that question must be placed before the people. The usual form of the question is: "Shall John Smith be recalled?" If a majority of the voters mark their ballots "Yes," Smith must vacate his office. An election to fill the vacancy is then held. Smith may be a candidate to succeed himself; he may even be reelected. If he is, he may hold office until the expiration of his term or, in case of a long term, until a recall is successful.

Several strong safeguards are usually thrown around the right of recall. One provides that no official may be subjected to a recall until he has served in his office a certain period dependent upon the term of his office. This is to prevent constant turmoil through the efforts of defeated or disgruntled partisans to recall a successful candidate before he has had an opportunity to prove his ability.

Another safeguard provides that no official may be subjected to a recall election more than once in a certain period dependent upon the term of his office. An official elected to a two-year term would probably not be subjected to a recall in less than six or nine months, and to but one recall during his term.

Some cities elect their officials for indefinite terms. The opportunity to recall them is presented automatically each two years. Thus a worthy official may hold office many years, but every two years an opportunity is given

the people to show why he should no longer hold it. If he has been efficient and honest he probably will not be subjected to the recall election, or, if he is, he will probably be endorsed.

The question of the percentage of voters to sign petitions for all these measures has been the subject of much argument and many divergent views. Originally the percentage was placed so high as to make the operation of the principles impracticable. Later the percentages on the initiative and referendum were lowered to from five to eight per cent. The percentage on the recall, which had in some instances been originally as high as forty, was reduced to ten.

A new business was the result of the adoption of these principles. The "petition circulator" appeared. He guaranteed to secure the required number of signatures, and was paid for his work at a few cents a name. This resulted in extensive frauds. Names were forged; fictitious names were numerous. It was merely a case of getting the names upon paper, and getting paid for them.

A safeguard became necessary. In many instances it was provided that all petitions must be signed in the presence of some responsible official having the registration books at hand. This official could then swear to the genuineness of the signatures, and by the registration books could tell whether the prospective signer was qualified.

Opposition to this restriction came from the strongest friends of the principles, who argued that securing petitions should be made as easy as possible. The general theory now adopted is to compel the making of the signatures before proper authorities, but to reduce the

percentage required to a minimum. As a result, the number required to sign initiative and referendum petitions has been reduced to as low as two per cent, while for the recall from six to eight per cent is all that is demanded.

By these means the principle of government by the people is brought back to the people.

## CHAPTER XLIII

### CIVIL SERVICE

THE SPOILS SYSTEM — APPOINTMENT FOR EFFICIENCY —  
PERMANENCY OF POSITION — PROMOTION FOR EFFI-  
CIENCY — THE PENSION

**E**XPERIENCE almost always means efficiency. If efficiency and experience are demanded in private business why should they not be demanded in the business of government?

It is upon this theory that civil service is established. No private business permits, without reason, a general upheaval of its officials and employees every one, two, or four years; no private corporation permits a new general manager to discharge all his experienced and efficient employees merely to place in their steads untried friends of his own. Yet this has been the attitude of the business of government almost since government was established in America.

The "spoils" system, as it was called, recognized the right of each new man elected to office, whether it was city, state, or national, to discharge all employees and appointive officials and to fill their places with his own friends. That is still the general rule in the state and national government, and will be for many a year to come. But civil service has made some headway, and certain classes of employees are now under civil-service rule.

The spoils system is due to party alignment. If one party wins at the polls, it promptly demands the spoils



for the members of that party. The officials and employees of the old administration must consequently go out; the friends of the new administration take their places.

That same party alignment formerly extended down through the government of city and town. The spoils system was, therefore, recognized in these smaller units. But since civil service has made some progress in state and nation, it is entirely natural it should make even greater strides in the smaller units.

Party politics has no place in the government of the city. The party line should never be drawn here. The spoils system, therefore, has no logical standing in city government. Municipal government is more purely a business than any other kind of government. That being the case, business principles should apply even more strictly here. As the spoils system has no place in private business, it should have no place in the business of municipal government. Like any other business, government, to be efficient, must be operated by efficient officials and employees. Experience ought to count for as much in the business of government as in the business of railroading. To the fact that it has not done so is largely due the expensive and inefficient system of government most cities have had.

Because a man has the good fortune or the political ability to be elected mayor of a city is no reason why he should have the power to remove from office those subordinates who have rendered efficient service under a preceding mayor. The spoils system would hardly be thought of under the city-manager system of government; it has been practiced, and may only be practiced, under a political form of government.

Three principles are recognized under civil service:

*First:* Efficiency must be a requisite for securing a position in the first instance.

*Second:* Proven efficiency is an assurance of permanency in the position.

*Third:* Promotion for proven efficiency is guaranteed when vacancies occur above.

A commission, usually removed as far as possible from political influence, is the means by which these three principles are made effective. Civil service does not apply, generally, to the heads of departments, but to all clerks and deputies and other employees in each department. Chief deputies are sometimes excluded. Day laborers are usually not under civil-service regulations. Civil service is applied primarily to skilled labor.

The civil-service commission is empowered to make rules by which the principles shall be operated. Examinations are provided for. Applicants for a position are graded in accordance with their standings in the examination, and the candidate securing the highest standing will be given the position. The balance of the candidates are registered in accordance with their standings and are given positions as opportunities are presented.

The commission may at intervals hold competitive examinations. They thus keep employees up to the standard. Failure in examination may result in dismissal upon order of the civil-service commission. Power to place men in office, or to remove them, is taken from the elective official and placed with the civil-service commission. If a vacancy occurs in an office, the head of that department notifies the civil-service commission. The commission names the man standing highest on the list

of eligible candidates, and the head of the department must appoint him.

If for any reason the head of a department desires to remove an employee he must notify the civil-service commission and give his reasons. The employee must be given an opportunity to defend himself. If his defense appears good to the commission, the head of the department must retain him; if he is removed, the cause of his removal, together with his explanation and defense, must be kept on file as a public record.

Opportunity for promotion is one of the strongest features of civil service. Employees, having secured and retained their positions in one grade, because of their efficiency, as shown by the examinations and observation of the commission, are promoted to a higher grade as vacancies occur and they are able to pass the examination for the better position. The newcomer must go to the bottom of the list and move up as vacancies occur above him.

Thus through civil service, in the first place, is secured the efficient man. In the second place, his job is secure from political influence. In the third place, he has an incentive to efficiency in prospective promotion.

It is forbidden that civil-service employees shall engage in political activities. It is forbidden them to contribute to the campaign of any official or for any official to solicit campaign contributions from employees. The men are employed just as are men in a private corporation — because they can fill the requirements.

Finally, there is a last incentive to efficiency generally applied to civil-service employees. That is the pension. In the well-governed city, the faithful employee, upon becoming too old for continued service or because of ill

health, is usually retired upon a part-pay pension. If he is killed, or dies while in the service, his widow, or other dependents, is granted a pension for a certain period of time. The employee thus sees himself cared for in his old age and his family provided for in case of his death or long illness. Private corporations have also recognized this principle, and are generally adopting it. The business of government should lead the way.

## CHAPTER XLIV

### LICENSES

FOR REGULATION AND PROTECTION — A FORM OF TAXATION — MUST NOT BE EXCESSIVE

**L**ICENSES are demanded by the business of government for two purposes. First, they are to regulate certain classes of business in order that the people may be protected against fraud or injury to life, health, or property. In the second place, they are a form of taxation upon those classes of business enterprise which pay no other taxes. In many instances licenses may be demanded for both purposes. They are applied to a vast number of enterprises. A few examples will serve to show the general classes licensed and the purposes.

Hucksters are asked to take out licenses as a form of taxation. They make use of the city streets, yet comparatively few of them may be taxpayers. The license is also demanded of them in order to protect the public against short measure and short weight.

All persons peddling any sort of goods from house to house are licensed. The public is entitled to protection against the sale by unknown persons of impure or misrepresented goods. Most cities have ordinances prohibiting the sale of poisonous or drugged products. The license serves as a means of regulating those who sell upon the street.

Milk dealers are licensed in order that they may be regulated. By this means the city is able to enforce the

sale of pure milk only and the ordinances relative to cleanliness in handling it.

Bill posters and those who distribute circulars or advertisements are licensed. The city is thus able to regulate the kind of literature circulated, and thus conserve the public morals.

Restaurants, hotels, rooming houses, and similar institutions are licensed in order to regulate them. Thus they may be forced to comply with the ordinances relative to sanitation and morals.

All forms of amusement, such as theaters, moving-picture shows, and merry-go-rounds, are licensed. Fire prevention regulations may thus be enforced and only moral entertainment permitted.

The circus is licensed, usually heavily. It is a foreign organization which makes use of the streets, takes money away from the city, and attracts large crowds. By means of the license the city is able to hold the circus responsible for damage done to the streets or to the persons or property of individuals. A bond is usually required in addition, as a further protection to the city and the public. The license is also a form of taxation upon the circus. It pays no general tax, but does an extensive business for a day.

Drug stores are licensed as a regulation against the sale of substances which may be injurious to health or morals.

Saloons are licensed that their business may be regulated in conformity with the laws and ordinances.

Meat markets, slaughter houses, and similar institutions in which cleanliness is necessary to the public health must take out licenses.

Pawnbrokers and money lenders are so regulated as a

protection against usury and a guaranty of property placed as security for loans.

Itinerant merchants are licensed largely as a form of taxation. They pay no other taxes, but compete with merchants who are established and bear their fair share of the burdens of government.

Builders of various sorts are so regulated to secure safe and competent workmanship.

All the various kinds of enterprises of which licenses are demanded fall naturally into two classes:

The necessities and conveniences, which need only regulation to protect the public.

The luxuries or non-necessities, which good public policy demands should be severely regulated for the general welfare.

For necessities and conveniences but small license fees are usually charged. In this class would come the huckster and the milk dealer, the restaurant and the market. The aim here is merely to charge a sufficient fee to pay the cost of the regulation. The dealer must secure his license before he is permitted to do business; if he fails to observe the laws and ordinances, he may be denied the privilege. The license also gives opportunity for securing a record of those engaged in this class of business.

In the final analysis all licenses are taxes. That extra expense upon the person taking out the license must eventually be paid for by the public, the consumer. Therefore it is desirable with this first class of licensed occupations that the fee should not be excessive. A heavy fee would naturally result in a higher price for the product, and an increase in the cost of commodities.

With the second class of licensed enterprises, the non-necessities and luxuries, a different attitude is taken. The

public welfare is at stake here. The theater must be so regulated that it will be free from fire hazard and danger of panic. Its performances must not be permitted to become injurious to public morals or to corrupt the youthful mind. It must be kept clean and sanitary. It is not necessary to the public welfare; it may entail upon the city great expense for supervision; hence it is asked to pay a higher license fee than that enterprise which is a necessity.

The saloon and the drug store have long been subjected to heavy license fees. The nature of the business makes this necessary. Unless properly regulated, each may become a serious detriment to the community.

To regulate the sale of drugs and liquors has long been considered a function of government. Many restrictions are thrown around both kinds of business. In the final analysis, the city, through its license system, is able to keep a firm grip upon both businesses. If the laws are violated, a new license may be denied or the old one revoked. Through the license system the city is able to determine the location of saloons, to limit the number, and to regulate the hours of business and the methods of conducting the business.

Thus does the license system bring about regulation of many classes of business in order that the public may be protected; thus does it provide a tax upon those enterprises which pay no other. It is a source of considerable revenue to most cities. It should return a sufficient income to cover the cost of the necessary regulation, but it should not be permitted to become burdensome and excessive merely in order to increase the revenues of the city. The license fee in the end is a tax. The people would thus indirectly pay the tax from which this revenue would be derived.



## CHAPTER XLV

### CIVIC BODIES

#### FUNCTION IN GOVERNMENT — ACTIVITIES OF WOMEN

OUT of a great mass of impracticable suggestions and the activities of various civic organizations, usually come some practical and concrete movements for good. Many such movements may at first appear visionary, but eventually they call attention to a condition which may later be worked out by the more practical city official. The one greatest benefit derived by the business of government from the activities of such organizations is the increased interest their members take in their own home government.

It has been the too frequent misfortune of all cities that a large proportion of the citizenship knew nothing of their own government. The ridiculous spectacle of the election to office of some high-minded, honest, and desirable business man who knew nothing of the duties and problems of his office has been common. It took him months, at the expense of the city, to learn these duties. Efficient in his own business affairs, he must begin in the kindergarten of the business of government.

The general awakening to duty which has developed so rapidly since 1900 dawned, has resulted in the formation in almost every city of numerous organizations to study and take an interest and perhaps an active part in the business of government. Many organizations, originally

formed for some other purpose, have added a department or set aside certain days for the study of municipal affairs.

Commercial organizations formerly devoted all their time to industrial affairs. Now, almost without exception, they devote no small portion of their activities to the business of government. They realize now that the city which is to grow in population, wealth, and industry must be a well-governed city.

Women's clubs of various kinds originally devoted all their attention to the study of art, music, or literature. Now they take a vital interest in government. They realize that the intellectual city must also be the clean, the wholesome, the beautiful, and the well-governed city.

Church organizations originally took little interest in other than strictly religious affairs. Now they extend their influence for good to the affairs of the city. They study government and the problems which continually confront a city. Their influence is felt in clean amusements, clean morals, and the general uplift of the citizenship, and hence in better government.

Debating societies, good-citizenship organizations, and other associations now find as subjects for discussion the concrete problems with which the city is wrestling.

All these various organizations may well find a wide field for their endeavors. The business men in the commercial organization may well devote some of their energies to observing whether business methods are employed in handling the city's finances. They may well give some attention to needed public improvements, to the paving of streets, to the purifying of the water system, and to solving the garbage-disposal problem.

An especially wide field is open to women's organizations. Even if women have not yet been granted the ballot, they may accomplish much without going outside their own sphere. There is the general cleanliness of the city to be considered. Most clean-up movements, and the institution of clean-up days, originated with some women's club. Many a city maintains upon its streets closed receptacles for waste paper, fruit skins, and similar litter as a result, frequently, of the original installation of these receptacles by women's organizations.

Much of the good work in beautifying the city and encouraging children to assist in beautifying school yards and the yards of humble homes comes directly from the activities of women.

No greater service can be done any city than that which can best be done by woman in improving the housing conditions and teaching the ignorant and the shiftless how best to keep house and to care for children. Many a women's organization has done exceptionally good work, which reflects back directly upon the health fund and the poor fund of the city, in teaching the wife of the small wage earner how to husband her resources and how to get the most out of them.

In numerous cities nursing associations, in which women have cared for the sick poor and taught them the value of light, ventilation, and sanitation, have accomplished the greatest good.

Women's organizations have accomplished great things in art, music, and literature. It is to woman, after all, that man must look for the real development of art, music, and refinement in the community.

Social-center work, where instruction and wholesome amusement may be provided for all sections of the

city, offers a wide opportunity for the activities of women. Settlement work is particularly the province of woman, and much good has been brought about through this agency.

As censors of moving-picture shows and of theatrical performances, and as investigators of sanitary conditions and wages, women have rendered great service.

Public officials have been rather inclined to frown upon the activities of such civic organizations. The reason is apparent. Most such organizations are composed of men and women who have heretofore taken little or no interest in the affairs of government. Suddenly awakened to a desire to take part in the business of government, they have usually chosen the impracticable thing—the beautiful dream—and demanded its realization immediately. Failing in their demand, they have shouted “Ward politician!” and “Peanut politics!” because the practical public official counted the cost. Usually the demand had something to do with the regulation of the sky line, the transplanting of the city hall to some other portion of the city, or the shade of the tinting in the city-hall decorations. No thought of expense was taken into consideration; those making the demand knew nothing of this problem of government.

But out of all the many impracticable things came something that could be worked out to the advantage of the city. The greatest advantage, however, was the awakening of interest in municipal government and the education of these dreamers to the stern realities of the business in which they are stockholders. Now they bend their efforts along the practical lines. They are factors for better government, greater prosperity, and better morals in every city.

The feeling of hostility between the civic organizations and the city hall is giving way to a desire for coöperation. The result is as it must be—better government, better citizenship, better dividends from the business of government.

## CHAPTER XLVI

### GRAFT

#### KEEPS GOOD MEN OUT OF POLITICS — WHAT IT IS

UNREASONING use of the word "graft" has kept out of public life thousands of the very men who ought to be in it. Let me repeat: Municipal government in America has been remarkably free from dishonesty. The opportunity and the incentive have been everywhere present, but thousands of good men all over the nation have given their valuable time and energy and thought patriotically, honestly, and efficiently to the business of government. Too frequently their reward has been only a pittance as remuneration, and much abuse.

It has unfortunately become a frequent custom for civic bodies undertaking to improve the government of their respective cities to shout "Graft!" on every occasion. These organizations have their places; they accomplish much that is good; but by the unreasoning use of the term "graft" they keep out of public life the very men they profess to desire to place in office.

To watch over the affairs of the business of government is a duty of citizenship. To guard the business of government against corruption and inefficiency shows a fine, patriotic spirit. But to condemn without reason the men who sacrifice their time and personal interests, to hurl the word "graft" at these men just because they fail to administer the affairs of government as the particular individual desires, is unpatriotic and seriously detrimental to the public welfare.

The development of this tendency has been coincident with the arousing of public interest in the business of government. With this new interest has come a quickening of the public conscience. The standards of efficiency and of honesty have been materially raised. Practices which had for years been matters of common knowledge, looked upon as custom and not frowned upon, are now looked upon as dishonest and not to be tolerated in any city.

It was the comparatively few instances in which astounding systems of graft were exposed that brought about this belated interest in the affairs of government. By quickening the public conscience and raising the standard of honor and morality in public affairs, the exposures wrought a great service. The old methods, so long winked at, were declared dishonest; those who still attempted to practice them were cast out of office. A new code of honor in the business of government was established.

It was due to this action, however, that the use of the term "graft" became too prominent. Because real graft had aroused the people to a realization of conditions, they were inclined to charge as graft all inefficiency, whether due to the individual or to the system under which he worked. The word was applied alike to grafter and to honest man. It became popular to ascribe to all public officials and all candidates for office some unworthy motive. The natural result was that the honest man, the competent man, the kind of man the business of government needed and still needs, refused, for the sake of his family and because of pride in himself, to place himself in a position where the other—the unreasoning one—might besmirch him.

What, then, is graft? Where may the term properly be used? What were some of the methods employed in the various systems that have been exposed?

Graft, in the simplest possible language, is "getting something for nothing." It matters not whether that "something" is money, passes on a street-car line, a job, or mere favor or influence; it matters not whether that "nothing" be a vote, failure to vote, influence, or merely saying nothing.

Perhaps the most common and greatest systems of graft exposed have been in connection with the police departments. The individual patrolman frequently collected tribute from saloon keepers, gamblers, dive keepers, and other possible or actual law violators on his beat. In return, the patrolman overlooked the violation and permitted the illegal practices to go on with his knowledge but without his interference.

In some of the great systems exposed the whole police department was organized with this end in view. The tribute collected regularly was divided in accordance with a prepared schedule. In other instances, the tribute was not only collected from the law violators, but from merchants, vendors, and others doing business in the streets. Failure to pay the tribute resulted in annoyances of various sorts either by the patrolmen or by others, without interference from the officers on the beat.

Such a system of graft frequently reached the chief executive of the city. He is charged with the enforcement of all laws and ordinances. Under threat of urging the enacting of an obnoxious law, or upon promise not to enforce one, the mayor was frequently able to extort from saloon keepers, gamblers, dive keepers, and others, funds for his campaign expenses.



Franchises were always open to graft. Let the promoter of a street railway, we will say, come to a city. He desired a franchise. The legislative body was the one to grant it. The mayor and the city attorney were certain to have influence relative to it. By the payment of money to these, he might be able to get a franchise such as he desired but which did not protect the interests of the people. The city attorney, for a consideration, might be influenced to permit the writing into the franchise of a clause, called a "joker," which gave to the company some privilege not readily apparent in a hasty reading of the franchise itself.

Contracts were another opening for graft. It unfortunately became quite customary and a matter of common knowledge for board members, aldermen, the mayor, and other officials to demand a commission from persons seeking to sell goods to the city. Little concealment of this practice was made. It was found even in private business until recently. It was argued the goods were to be purchased anyway, and it was not thought improper for the man actually making the purchase to accept a commission as a token of appreciation for the order.

In consequence of this practice, contractors in their bids added whatever they estimated it was going to cost them to secure the contract. The people, therefore, paid the contractor for his goods, but at the same time they paid their officials a commission for buying them. That practice to-day is very properly called "graft." No city will tolerate it.

City officials occasionally accepted money, passes on the street-car lines, a reduced rate for gas or electricity, goods of various kinds, or other favors. These favors

were given sometimes merely to establish friendly relations between officials and the companies giving the favors. In other instances the public officials, in return for the favors, became accredited representatives of the companies in their dealings with the city. It might be a matter of magnitude, such as the granting of a franchise; it might be a small matter, such as the granting of a license. The practice was commonly known, and in the old days it was considered legitimate. Under the new code of honor it is not tolerated. It is graft.

A still more dangerous method of graft, and one which has wrecked many a home and brought shame upon an otherwise honest and respected citizen, was that which was so insidious as to arouse no qualm of conscience. This was the giving of entertainment or favor rather than money in return for action or lack of action on the part of the official.

The contractor seeking to interest the city in a certain kind of pavement, piece of machinery, garbage destructor, or other purchase contemplated by the city, would frequently invite the officials to go to some other city where his product could be seen. The agent would pay the expense. The agent also provided elaborate entertainment. He, by a lavish expenditure of money which he charged up in his contract, if he got it, won the friendship of the city officials and influenced them in his favor. Many a city official has taken his first step in debauchery and corruption on some similar junket.

Many an official has eased his conscience by finding an excuse to remain away from council meeting on the night when a contract or a franchise was voted on. His vote might have defeated it. Others have satisfied themselves with the argument, "I intended voting for the contract"

before I took the trip. That did n't change me." Others have shown their appreciation for entertainment or more substantial favors by refraining from speaking against the contract or franchise. That speech might have changed the result.

Graft may, therefore, be the actual receipt of money or it may be something less valuable. It may be secured either through action or through lack of action. It may be a bald-faced bribe or something more concealed and insidious. But graft in any form is dishonesty. Under the new code of honor in the business of government it is not tolerated in any form or in any degree. It has been a curse upon the business of government. It has been responsible for the waste of millions of dollars. But graft must not be charged against the public official merely because he is a public official.

## CHAPTER XLVII

### DUTY OF CITIZENSHIP

SUGGESTION RATHER THAN CRITICISM — CONTINUOUS,  
RATHER THAN SPASMODIC INTEREST

**T**HAT self-styled good citizen who spends his time criticizing the government of his city but who never goes to the city hall to learn first hand what is going on there, is a greater menace to the business of government than the out-and-out dishonest official. He is responsible for that dishonesty, if there is any.

That class of good citizen whose citizenship consists in voting perhaps once a year and in paying taxes on the smallest possible assessed valuation, is directly responsible for more ills in government than the most inefficient public official.

Good government can be insured only by a keen and continuous perception of the duties of citizenship. No man has performed his duty as a citizen who merely criticizes; no man has performed his duty as a citizen who merely votes.

Two menaces to good government are usually found in most cities and among that class of citizen where they should least be found. They are:

*First:* Failure to vote.

*Second:* Lack of continuous interest in the business of government.

Many a business man contents himself with voting only once in four years. He considers his duty done when he

has voted for president. Some are a little more conscientious in their performance of this duty. They may vote whenever a governor of the state is to be elected. A few more may go far enough to cast a ballot when a mayor is being chosen, but they find themselves too busy to go to the polls when some minor city official is being elected.

Too many a business man says with more or less pride: "I vote for president and for governor. I'm not much interested in these minor city affairs." When the day for the municipal election comes he finds himself too busy to go to the polls. If he does go, he too frequently knows nothing about the candidates or the issues, and votes blindly for the man some friend has asked him to vote for. That business man scorns the humble laborer in the street whom he sees being taken to the polls in one of the candidates' automobiles. But that humble laboring man probably marked his ballot more intelligently than the busy merchant.

That busy merchant may be paying taxes on an assessed valuation of one hundred thousand dollars. That represents his share in the capital stock of the business of government. Would that merchant find himself too busy to attend a meeting of a board of directors of a private corporation in which he had invested that much money? Would he consider it a minor affair if that board of directors were to elect a general manager for the business in which he had invested one hundred thousand dollars or one tenth of that sum? Would the merchant consider it of no importance if each year he was being assessed a larger sum to keep running a private enterprise in which he had invested even a small sum? Would he fail to seek the reason for those increasing assessments?

What, then, is his duty in the business of government? To vote—to vote every time an official is to be elected. It should not matter how unimportant that official may appear to be, the duty of citizenship requires that each person qualified to cast a ballot should go to the polls on every election day and vote for every candidate and upon every question presented. He should be able, too, to vote as intelligently upon these candidates and these questions as upon the problems presented in the private corporation.

Good government may be secured with a weak man at the head if the entire citizenship takes an active and continuous interest in the business. Mere criticism does not fulfill the duty of citizenship. Too many high-minded and otherwise good citizens have mistaken criticism for interest in civic affairs. Many will ignore the problems of government until some situation arises which suddenly arouses them. Perhaps it is a hole in the street which caused some man to break a wheel on his automobile; perhaps it is a series of crimes; perhaps it is a great fire made possible because of a poor water supply. Then the long-silent merchant, perhaps, makes himself heard. He wants to know why the streets are in bad condition. He asks, "What is the police department doing?" He demands to know why the water pressure is low.

The conditions which made these shocks possible may have existed for years. They have been the accumulation of years of inefficient administration on the part of the departments responsible. What was the busy merchant doing all these years? Had he been over to the city hall to learn how the affairs of the city were being conducted? Had he filed any protests against growing bad conditions of which he must have been aware?

The catastrophe has happened. What will he do now? Will he follow the course which has so long been usual and cry out against the "grafters," the "politicians," and against "peanut politics"? Will he write columns of criticism of the city government for the newspapers? Will he stand up in the commercial organization and berate everybody connected with the business of government? That is the usual course. Or will he do as did the men in Des Moines, Galveston, Dayton, and other cities? Will he admit he and the rest of the stockholders in the business of government were directly responsible? Will he charge himself with not having given attention to the business in which he is vitally interested? Instead of criticizing what has been done, will he go to the city hall and offer the benefit of his own business experience? Will he make suggestions as to how to remedy the ills that have crept in? Will he volunteer to take upon himself a portion of the burden of the business of government? If he appreciates his duty of citizenship, he will follow the latter course.

Once the business man has started on the course, will he continue his interest in public affairs? Once the particular defect which caused him loss has been remedied, will he continue to watch over the business of government?

The popular idea of the duty of citizenship usually and unfortunately consists in the spasmodic outbreak of a campaign for or against one particular person or thing. About once in so often some "good citizens' alliance" organizes to make a campaign against some candidate for mayor. Their opposition is usually based upon personal grounds. The candidate they oppose has some time done something or taken some attitude toward

labor or toward the liquor business or toward something else of minor importance of which they disapprove. They fight the man because of his personality rather than because of his inability to produce results in the business of government. Their slogan is merely to turn this man out. They propose to put in another man, untried, whose ability as a city executive is unknown. They intend giving him the same old tools to work with.

The man they oppose may have given results to the business of government. If he has failed, it may be because of the tools he had to work with. If the good citizens' alliance is defeated, those who composed it will sit back and sulk through the term for which their opponent is elected. They will criticize his every move, but they will do nothing to assist in making the government better. When the next election comes around they will rise up again, make their fight once more, then forget and let the government run itself.

That action does not spell good citizenship. That does not constitute the duty of citizenship. The man in office is of small consequence. His personality must be lost sight of. Coöperation with him may bring about the results desired. The result is the thing to be kept in mind.

Nothing is gained by continually shouting "Grafter!" and "Boss!" and "Politician!" It is the successful candidate who usually inherits these terms, while the defeated man remains a "good citizen" and a "leader." The man who shouts "Graft!" loudest is quite likely to be the one who overcharges the city for a piece of land needed for park purposes.

If every business man who cries loudly about his taxes were to give one hour a week to an investigation of the



business methods of the city and to suggestions for improvement, his taxes would be lowered and he would receive a larger return for what he did pay in. The business of government needs the coöperation of all its stockholders. That coöperation will show results in greater value received for the dollar spent, in a better feeling between all classes, and in a better class of candidates for office. All that will come from a strict performance of the duties of citizenship.

## CHAPTER XLVIII

### THE COUNTY

#### THE JUDICIAL UNIT — HOW IT IS GOVERNED

**N**EXT larger than the city of the political subdivisions is the county. It is of counties that the state is composed. County government presents a varied assortment of forms according to the constitutions of the several states and according, largely, to the section of the country.

It has been shown that the original form of government in the colonies depended largely upon the character of the settlers, the climate, and the attitude of the natives. In the South, where the climate was mild, the Indians were inclined to be more or less friendly and the settlers were of the aristocracy of the old countries; they settled upon vast estates widely separated from each other. Here the county became the unit of government; the city and the town were of subordinate importance.

In the New England colonies, where the climate was severe, the Indians hostile, and the settlers of the poor, industrial, and religious classes, the people settled in towns for their own protection and in order that they might better perform their religious duties. Here the town became the unit of government; the county was of secondary importance.

The county is, therefore, still of first importance in the South. In the North the county is still a secondary consideration to the city. As the population moved

westward and new states were formed and built up, the character of the government depended largely upon whether the predominance of the settlers came from the New England States or from the South. If New Englanders predominated, the governments of the new states were likely to subordinate the county to the city; if Southerners predominated, the county was likely to be of first importance. Thus through the West and Middle West the county is of varying importance in the scheme of government. The organization differs materially.

Everywhere the county is the judicial unit. While states reserve to themselves the creation and control of the judicial systems, the custom has generally been to make the judicial circuit coextensive with the county. It is therefore in the county that the court sits. Indeed, in some of the colonies the county was termed the "court." It is with the proper county officials that legal papers are filed. The administration of justice is vested in certain county officials. Therefore we hear the term "courthouse" popularly applied to the principal administration building of the county.

Since the court sits in the county building, and the dispensing of justice is the first characteristic of county government, the clerk of the county is usually the clerk of the court. In some of the counties in which there are especially large cities and the work both of the courts and of the county apart from the courts is great, there may be a separate official known as the clerk of the courts. But the general situation is that the county clerk and the clerk of the courts are one and the same person and office. With the county clerk must therefore be filed all legal papers having to do with the

courts. There suits are begun and decisions filed; there incorporation papers are filed and other similar legal business is transacted. But the clerk is also the clerk of the county and the official record keeper of the business of the county. His duties are to the county much the same as those of the city clerk to the city.

The county clerk, too, is the representative of the state in the county. Such business as the state has to transact with the county is usually done through the county clerk. He receives such papers and documents as are required by the state, and forwards them to the proper state official. He issues such licenses as the state may require, such as licenses to hunt game, marriage licenses, and others. In some states he may be the keeper of the records of births, deaths, and marriages. He represents the state in election matters. In state and county elections he sends out the ballots, receives the returns of the election, and forwards them to the proper state official. In some states this election duty is performed by an especially constituted election board, but in general the service is performed by the county clerk.

The probate court is also organized with jurisdiction coextensive with counties. To this court are delegated the handling of estates, the determination of heirs, and the distribution of property to proper heirs in accordance with the terms of a will or of law in the absence of a will. In those states levying an inheritance tax, the probate court also determines the amount of this tax. Probate courts are charged with the care of dependent children and the appointment of guardians for them, and are entrusted with the handling of their property until they are of sufficient age to care for their own. Probate courts are empowered to grant adoption papers in cases

of children left dependent. They are also charged with the care and disposition of the insane, the feeble minded, and the incompetent, and must provide proper care for their property.

One of the chief officials of all counties is the sheriff. He is the chief of police of the county. His jurisdiction is confined only to the limits of the county. The jurisdiction of most police departments of cities is confined to the city alone. The sheriff is empowered to serve warrants, make arrests, and generally to give police supervision over the entire county. This duty is especially applied to those portions of the county which are unincorporated and have no police departments of their own. In some of the middle western states the sheriff is frequently in conflict with the city police departments. The latter, having trained and experienced police officials, are inclined to resent interference on the part of the sheriff whose qualifications as a police officer are quite likely to consist only of ability to secure enough votes to elect him.

The jail is a county institution governed by the sheriff. It is usually his official residence, and to him is left the custody of such persons as may be confined there. In those states in which inmates of the county jails are employed on the roads or at other occupations, it is the duty of the sheriff to give that employment and to guard the prisoners while at their work.

The sheriff, too, is the officer of the court. He preserves order there, has charge of prisoners while under arrest, and also has charge of the juries, to keep them from communicating with persons outside.

Another important official of the county, and the one having especially to do with the administration of

justice, is the prosecuting officer. He is called by different titles, such as "county attorney," "prosecuting attorney," and others. He is the legal adviser of the county, just as the city attorney is the legal adviser of the city. But he has other and even more important duties.

The prosecuting attorney represents the people in all actions to which the people may be a party. If it is a criminal action—and this work constitutes the bulk of his duties—the prosecuting attorney is the prosecuting officer. He appears in the trial on behalf of the people to convict, if possible, the man charged with crime. The prosecuting attorney in some states is empowered to swear out warrants. In most states indictments may be returned only by a grand jury which meets regularly to hear complaints and to investigate the condition of the public welfare. In such instances the prosecuting attorney may place before the grand jury such evidence as he may have knowledge of and ask indictments of certain persons. He is also empowered in cases of emergency to call special sessions of the grand jury. The prosecuting attorney is charged with the general supervision of the public morals, and it is his duty to institute such proceedings as may tend to improve them.

To keep a record of the titles to and the transfers of property is a function of the county. The register of deeds, therefore, holds one of the most important offices. He must record all titles, all transfers, all descriptions, and all mortgages. In the office of the register of deeds one should be able to trace the title to a piece of property back to the original grant.

Duties similar to those performed for the city by the city treasurer are performed for the county by the county

treasurer. He collects and disburses the county's money and is the custodian of its funds. He usually, too, represents the state in the collection of state taxes. They are apportioned by the proper state authorities to the several counties and are collected through the county treasurer, who is charged with the amount levied against his county. He then makes return to the proper state official.

It has always been recognized as a function of the county to care for the poor. The county maintains the poor farm, or county farm as it is now generally called, and a department of the poor is usually maintained. This organization usually provides for those having no legal place of residence or who are living outside an organized town or city. This department is usually the administrative board of the county farm.

The construction and maintenance of roads outside incorporated cities and villages is usually a duty of the county. The highway commissioner is therefore one of the most important county officials. It has been the usual practice to build the main county highways along the section lines. Distances are therefore easily measured, with these roads as the bases of the calculation.

The county drain commissioner is another important official of the county in most states. He determines the necessity of a drain to free valuable land from water, and locates it. He also has charge of the construction of it and the levying of the tax to pay for it.

The legislative body of the county differs greatly in different states. An interesting fact is that for many years the commission form of government for counties has been in effect in many New England states. Three or five men handle the affairs of the counties just as the

commission handles the affairs of the commission-governed city. But while these New England states have made use of the commission form of government for counties, they go to the other extreme in many instances, and use the dual council system in the government of their cities.

In the middle western states the popular composition of the legislative body of the county is the board of supervisors. These are usually officials elected to represent the several cities and townships in the county. They have the same functions the aldermanic council has for the city. The legislative body makes the budget and levies the taxes against property for the support of the various institutions of the county and to keep running the machinery of government.

Administration of county affairs has generally been more lax than that of city affairs. The awakening to the needs of government in the municipalities, however, has brought with it an awakening to the needs of county government. As a result, rapid strides are being taken.

Among the interesting and most pronounced improvements in county government in many states has been the granting of home rule to counties. By this means the counties, under certain restrictions placed upon them by the state, are given power to legislate for themselves and to administer their affairs in their own way. They may pass ordinances to meet their problems. Under the old system all counties in a given state were bound by hard-and-fast laws made by the legislature. Thus the county thickly settled and with perhaps a large city was subjected to the same restrictions and laws as the county in the backwoods with a very small population.



The home-rule measure has given to the county a degree of self-government long needed. As the governmental idea develops, county government will be placed on something like the business basis now demanded for the city.

## CHAPTER XLIX

### THE STATE

#### ITS FUNCTIONS — FORM OF GOVERNMENT

**T**HIRTEEN colonies originally formed the United States. Each colony had been organized under a separate charter granted by the throne of England. Each had built up its own form of government. Each was a little government by itself. None had any relation to any of the others. The United States, therefore, was at first merely a federation of states. Indeed, the first agreement between them constituted them a confederation rather than a nation. Each state claimed its own rights and each made its own laws governing its internal affairs. It was not until the Civil War had been fought that it was definitely determined that the states collectively constituted a nation, and that no state had such rights and powers that it could conduct its affairs independently of the federal government.

We do not now look upon the United States merely as a federation of independent states. The states continue to exist with many of their original powers, but the state is now merely a political subdivision of the whole nation.

Having had this sort of development, it is natural that there should be left to the states a large degree of self-government. Each state writes its own constitution. Each has its chief executive elected by the people. Each has a full set of administrative officers. Each elects its own legislative body, and that body enacts all laws dealing

with the internal affairs of the state. Each state subdivides itself into counties. Each incorporates its own cities and villages. Each conducts its own school system. Each has a complete judicial system. Each state has within its own boundaries a complete government. If it were to be shut off from all the other states it would constitute a complete government by itself. The only restriction placed upon the state by the federal government is that it shall enact no laws and take no action of any kind which shall conflict with the constitution of the United States.

The state is formed and admitted into the Union by act of Congress. The first constitution of a new state must be submitted to Congress with its application for statehood. If that constitution does not meet with the favor of Congress or of the president, the state may be denied statehood until the constitution is so modified as to secure that approval. Following its admission, the state may amend or revise its constitution by its own methods and to meet its own ideas.

The details of state government differ widely, but the fundamental principles are the same in all states; in all they are patterned after the form of the federal government. Each state system is divided into the executive, legislative, and judicial branches. In each of the states the chief executive officer is the governor. He is elected by the popular vote of the people and for terms usually of two years each. In him is vested all executive authority. He recommends to the legislature the laws he considers should be enacted for the benefit of the commonwealth. The governor elected usually represents the governmental principles of one of the political parties. He is the man who makes the pledges and must

stand on the platform adopted by his party. He must exert his influence, therefore, to see that these pledges are put into effect.

The governor has many other functions. His duty, first, is to see that all laws are executed. He has the appointment of a vast number of officials. He may remove officials who fail to execute the laws. The governor has power to pardon criminals. He is commander-in-chief of the National Guard of the state. His duties are patterned directly after those of the president.

Most states also elect various other administrative officers. Some, however, leave to the governor the appointment of most of them and these, following the form of the national government, constitute the governor's cabinet or council.

The principal administrative officers usually found are as follows:

*The Secretary of State:* He is, as the title of his office suggests, the secretary to the state. He is the custodian of the seal of the state, which must be affixed to all legal state documents. He receives and records all legal documents, such as incorporation papers. He writes and countersigns all commissions which may be granted by the governor. He represents the state officially in its dealings with other states. He may also have many other duties placed upon him by the constitutions and laws of the several states.

*The State Treasurer:* His duties are to receive and disburse upon proper warrant the moneys of the state. He is the custodian of its funds.

*The State Auditor:* The auditor's duties are to the state what the comptroller's are to the city. He

is the bookkeeper and official check upon the treasurer. He audits the accounts as presented and draws the warrant upon which the state treasurer may pay.

*The State's Attorney or Attorney General:* He is the legal adviser of the officials of the state and of the legislature. He represents the state and the people of the state in all legal proceedings to which the state may be a party. He also has supervision over the subordinate legal and prosecuting authorities in the various cities and counties and may render opinions as to the constitutionality or operation of the laws.

*The State Game Warden:* His duty is to enforce the laws relative to the protection of game. He may also be charged with the protection of fish in the same manner.

*The State Highway Commissioner:* His duties are to maintain the state highways and to construct them under such laws as the state may enact.

*The Insurance Commissioner:* He is charged with supervision over insurance companies doing business within the state. He may exclude from the state those companies which he does not consider to be in good standing. He is also frequently delegated with the duties of state fire marshal, and has supervisory powers over the conditions which will prevent conflagration.

*The State Land Commissioner:* This official is found in those states which found themselves possessed of large tracts of land which they retained for themselves or which came back to them for non-payment of taxes. His duties are to dispose of such land as

the state desires and to administer the remainder to the best advantage of the state.

*The State Labor Commissioner:* His duties are to investigate the conditions under which men and women work, to enforce the laws relative to conditions of employment, and such other duties as the laws of the state may impose.

Various other boards and commissions are also maintained by the state. Among these are:

*The Department of Health:* Its duties are to enforce the general health and sanitary laws of the state, and to suggest from time to time such health laws and regulations as will tend toward the general welfare.

*The Public Utilities Commission:* The functions of this department vary widely in the different states. Many states are without such a valuable department. It may, as in Wisconsin, have control over all public utilities, with power to regulate their rates and their service. It may have the more limited function of dealing only with railroads, enforcing traffic rates, grade separations, and so on.

*The State Banking Commission:* The duties of this department are to examine all state banks, look to their methods of doing business, force them to protect their depositors, and close them when they give evidence of insolvency.

*State Tax Commission:* This department usually has power to assess property so that all portions of the state will bear an equal portion of the tax burden and to equalize the assessments between counties, and has general supervision over the assessments in the minor political subdivisions.

In addition to all these departments there are the various boards governing the several institutions maintained by the state. It is the function of the state to maintain a National Guard and naval militia, and to maintain prisons, penitentiaries, and corrective institutions. Most states maintain universities and agricultural colleges, normal schools, schools for the wayward, schools for the feeble minded, and schools for the blind. Hospitals for the insane are conducted by the state, also sanatoria for the treatment of tuberculosis and other contagious diseases, and such other institutions as the needs of each state may seem to require.

The legislative body of the state is known as the "legislature," the "assembly," or by some similar term. In each state it is composed of two branches, just as the Congress of the United States is organized. These are the House of Representatives and the Senate. In Oregon, in 1914, a plan was initiated for abolishing the state senate, leaving all legislation to the single body. This is the only state in which such a step has yet been taken. In 1913, in Michigan, a plan for applying the commission form of government to the state was quite widely discussed. The plan got no farther than the talking stage, however.

For the purpose of electing members of the legislature the state is divided into senatorial and representative districts. This is done on a basis of population. The legislature enacts all laws governing the state and passes all appropriation bills. In most states the initiative has been adopted. Under this system the people may initiate and enact laws independently of the legislature.

It is the legislatures of the various states, too, that must vote upon amendments to the federal constitution.

No such amendment becomes effective until ratified by the legislatures of three fourths of the states.

Until 1913, too, it was the duty of the legislatures to elect United States senators. In that year, however, the states ratified the amendment to the federal constitution granting the popular election of United States senators.

The states individually create and hold control over their respective judicial and legal systems. All actions at law in which no other state, or the people or property of no other state are involved, and in which no question of a violation of the federal constitution is raised, are determined in the state courts. Each state, therefore, has its own supreme court, its county courts, and such other subordinate courts as it by constitution or law may provide. Appeal is given from the subordinate courts to the supreme court of the state.

In most of the middle western and western states justices of all courts are elected by popular vote. In some of the eastern states the justices are appointed by the governor, just as the justices of the federal courts are appointed by the president.

The state levies property taxes just as do the cities and counties. It derives in this way the funds necessary to maintain its many institutions and to carry on the vast public works necessary to the growing state.



## CHAPTER L

### THE UNITED STATES: THE EXECUTIVE

#### HOW CHOSEN — HIS DUTIES — HIS CABINET

THE government of the United States stands unique in the history of the world. No other nation is governed as is this one. The fundamental principle is government by the people. According to the census of 1910 there are upwards of ninety million persons under the nation's flag. This great population is governed by representatives chosen by itself. Each four years the ruler is chosen, not because he is the son of a former ruler but because the people at the polls expressed it as their desire that he should rule. Yet his rule is not arbitrary. He is bound first by the constitution adopted by all the states away back in 1787; he is bound second by the laws of the nation, which are made by a legislative body also elected by the direct vote of the people every two years.

This unique government is divided into three branches, the executive, legislative, and judicial. How these branches are chosen and what their duties are is interesting.

The president is the executive head of the government of the United States. The method by which he is nominated and elected is without parallel in the world. The president is the candidate of the political party. Each political party stands for certain principles of government. It is a complete organization extending into every

state, every county, every city and town, and even into every home. In the early summer of the year in which a president is to be elected each party calls a national convention. This convention is composed of delegations from each state. Until 1912 these delegations were elected through conventions held in each state, but in that year the principle of the primary election was adopted and made use of in many states, and since that time many more states have adopted the same system.

In the national conventions of each party a candidate for president and one for vice-president are named. A platform is also adopted setting forth the principles of government for which each party stands, and making its pledges to the people.

In November of that year the election is held in every state, and everywhere on the same day. On that day all qualified electors may go to the polls and cast their ballots for their choice of president. About seventeen million persons cast their ballots in 1912. But the voters do not vote directly for the candidate for president. Nor is the president elected on the basis of the total number of votes cast by the people. Under the constitution, each state is entitled to as many presidential electors in what is termed the "electoral college" as it has representatives and senators in the Congress. It is for the electors that the people cast their ballots.

At a given time following the election the successful electors assemble at the capitals of their several states. There they cast their individual ballots for president and vice-president, seal them, and send them to Washington addressed to the president of the United States Senate. On a given day there, the Senate and House of Representatives meet in joint convention, the envelopes are

opened, and the votes read and tabulated and the result declared. Thus, while seventeen million persons voted in November, 1912, for presidential electors, but five hundred and thirty-one votes were actually cast in the electoral college for president and vice-president. The president is formally inaugurated and takes up the duties of his office on March 4 following the November election. His term is for four years. Should he die or for any other reason be unable to perform the duties of his office, the vice-president would succeed him.

The duties of the president are many. He is charged with executing the laws of the nation. In addition, it is his duty to notify the Congress, from time to time, of the condition of the country and to recommend such legislation as he believes will be for the benefit of the nation. Congress appropriates approximately one billion dollars a year. It is the duty of the president to see that the laws by which this vast sum is raised are executed, and also to see that the laws by which it is disbursed are likewise made effective.

The president has, in addition, a vast variety of duties to perform. He must appoint a vast number of post-masters all over the nation. He names the men who are to become revenue collectors, United States marshals, United States district attorneys. He appoints a number of judges for the federal courts and countless other employees of the government. He must determine the policy of the nation in its dealings with other nations. These constitute the most delicate and many times the most trying and embarrassing duties he has to perform. He is also the commander-in-chief of the army and navy.

The president is assisted in the performance of all

these duties by the members of his cabinet. These are men appointed by the president, and each has a well-defined function to perform in the administration of the government. These cabinet officers and their duties are as follows:

*Secretary of State:* This official is first in rank of the cabinet officials. Should the president and vice-president both die or be unable to perform the duties of president, the secretary of state would succeed to the office. His duties are of the utmost importance to the government. To fill this position, therefore, the president usually seeks the most able man of whom he knows. The secretary of state has charge of the foreign affairs and foreign relations of the nation. While the country is represented at all foreign capitals by ambassadors, ministers, and other officials, these men receive their orders and make their reports to the secretary of state. The large number of consuls maintained abroad are also under the jurisdiction of the department of state.

The department of state has power to make treaties with foreign nations. These treaties must be ratified by the Senate, but the negotiations leading up to the treaty, and the drafting of the document itself, are performed by the secretary of state.

The department of state is charged with protecting the interests of American citizens abroad. It is through this department, too, that foreign nations look for adjustment of the affairs of their subjects in the United States.

In this department is kept a record of the birth, death, and marriage of all American citizens in foreign countries. This department maintains the secret

service of the country abroad. It is the custodian of the great seal of the United States, which is affixed to all proclamations and other legal documents. The secretary of state is the medium through which the president communicates with the various states, and this official is charged with the preservation of all laws and other important documents of the nation.

*Secretary of the Treasury:* This official is the tax collector and the disbursing officer of the money of the nation. Each year it is his duty, too, to send to Congress his estimate of how much money must be raised to meet the needs of the nation for the coming year. He is the supervisor of the national banking system. In his department is made all the money—both paper and metal—of the United States. This department, too, maintains the secret service by which counterfeiting is discovered and those making the spurious coin are captured. As all revenue is collected through this department, it maintains the revenue-cutter service by which smuggling is prevented.

Under the treasury department, too, fall all aids to navigation, such as lighthouses, buoys, and so on. The life-saving service is also under the control of this department. All public buildings owned by the United States are the care of the treasury department. This department also buys the sites and erects the buildings thereon, no matter where they may be located.

The treasury department maintains a corps of foreign agents who keep track of smugglers and keep the department informed of large purchases of jewelry

and other dutiable goods so that the customs officials may be on the watch for them when they arrive at a port in the United States. The treasury department also levies the tax upon all liquor and keeps track of it through the internal-revenue department.

*Secretary of War:* This department has control over the army of the United States. It also builds all fortifications for the coast defense and for the insular possessions. But aside from its duties of a warlike nature it has even greater duties of a more peaceful sort. This department constructs and maintains all the waterways of the country, and has charge of the great military parks and cemeteries.

*Secretary of the Navy:* This official administers the affairs of the navy. The department also maintains the naval observatory. Here accurate time is always kept by means of the most delicate instruments. Some very remarkable experiments have also been made in this observatory which have been of the greatest value to science.

*The Postmaster General:* Charge of the mails of all kinds is vested in this official. His is the duty of planning and executing all the various systems by which the railway mail service, the rural free delivery, the parcel post, the postal savings bank, and all the other activities of the department are worked out. All stamps are accounted for by this department, although they are printed by the treasury department.

The post-office department also makes and prints maps. These maps are in great detail, as they show the post offices, post roads, and the houses along the roads.

*Secretary of the Interior:* The duties of this official are many and varied. The department is made up of a large number of bureaus having to do with many unrelated subjects. Originally the department had control of the lands in the vast territory acquired by the government which were either sold or given away to those who would settle upon them.

This department has control of those lands in which either minerals, forests, or water powers are reserved. It controls also the great national parks and monuments. Under the secretary of the interior is the pension bureau, from which are paid out the pensions to the soldiers and sailors of American wars. The bureau of education is also under this department. The control of the Indian tribes is one of its functions. To this department falls the duty of reclaiming the desert lands, and the great irrigation projects of recent years have been the work of the department of the interior.

The patent office is a division of the department of the interior. Here the inventor secures the rights to his invention and is assured that none other may make use of his discovery or the work of his genius. The geological survey is another duty entrusted to this department.

*Secretary of Agriculture:* This official has more to do with the thrift and industry of the nation than any other. It is in this department that experts are constantly experimenting and investigating the best methods of increasing all kinds of crops and of preserving them from pests. The department tells the farmer how best to secure a paying yield from his fields, from his garden, from his stock of all

kinds, and from his orchards. New crops are imported and experimented with, and the farmer is informed of them and taught the best methods of raising them.

The department, too, is charged with the protection of game animals, birds, and fishes of all kinds, and with the preservation of all sorts of wild life. Here also is located the good-roads bureau, with experts constantly informing the public of the best methods of building and maintaining the highways. The weather bureau is also under the supervision of this department.

*Secretary of Commerce:* This is a comparatively new department and a most important one. It has to do with the investigation of corporations, the gathering of census statistics, the regulation of the standards of measure, the maintenance of lighthouses and aids to navigation, steamboat inspection, and the supervision of navigable waters. It gathers statistics relative to the commerce of the nation and compiles information relative to manufactures. The facts contained in the consular reports relative to opportunities for trade in foreign nations are published by this department for the benefit of the home manufacturers. The bureau of fisheries is under the control of the department of commerce. It studies methods of propagation. This department also surveys and maps the various ocean currents.

*Secretary of Labor:* This is another new department formerly combined with the department of commerce. So important does the nation now consider the welfare of the working man and woman that this department has been created for their benefit



alone. It is the duty of this department to investigate labor conditions everywhere. It has power to investigate and to intervene where possible in labor differences and strikes. It may look into causes of mine horrors and order appliances to improve conditions and limit danger of accident anywhere.

One of the most important functions of the department is the enforcement of the immigration laws, with which it is charged. Not only must it keep out the undesirable but after the immigrant has arrived in the country, and desires to become a citizen of it, this department is charged with the supervision of the naturalization. This bureau sends out its examiners to learn if the man desiring to become a citizen is qualified. The department may have, through its sources of information, a history of the applicant's life in the old country.

*The Attorney General:* Once a somewhat unimportant official, who was not even required to give all his time to his duties, this official is now one of the most important in the nation. He is the nation's prosecutor. He tries for the government all the great suits against the trusts. He prosecutes all violators of the laws of the nation, whether they be great or small. He has control over all the district attorneys in the several states, over the United States marshals, and the clerks in the various United States courts. He also gives opinions as to the meaning of the laws passed by Congress, rules on legal questions that may be put to him, and is the legal adviser of all the departments of the government.

The president and these nine cabinet officials appointed

by him constitute the executive and administrative departments of the government of the United States. Under each of these department heads are many bureaus dealing with individual subjects. From them one may obtain information upon almost any subject he can dream of. But all of the officials are merely executing the laws of the nation as they are handed down to them from Congress, which is the legislative body.

These cabinet officials hold their offices only at the pleasure of the president, who appoints them. With each new president we receive an entirely new set of administrative heads. Thus each four years perhaps, and each eight years certainly, the entire administrative department of the government is changed. New men come in, take up the work where the former men left it, and the machinery of government goes along usually with scarcely a jar.

## CHAPTER LI

### THE UNITED STATES: THE LEGISLATIVE

THE HOUSE: HOW CHOSEN, ITS ORGANIZATION, AND ITS  
FUNCTIONS; THE SENATE: HOW CHOSEN, ITS ORGANI-  
ZATION, AND ITS FUNCTIONS

THE Congress of the United States, that organization which performs all the legislative functions of the nation, is the most remarkable law-making body in the world. Its membership is composed of men from every walk in life. They are there because the people by their votes sent them there. Neither birth, wealth, nor other consideration is responsible for their honors or their service. The poor man who stands for the principles the people demand has as much chance of becoming a member of the law-making body of the United States as the wealthiest and most influential man in the land.

The Congress is composed of two branches—the House of Representatives and the Senate. All legislation, to become effective, must have passed both these branches and been signed by the president, or have been passed over his veto. The theory of this dual organization as seen by the writers of the constitution is interesting.

The House of Representatives was to be the direct mouthpiece of the people. Its members were to be elected directly by the people every two years; thus it would reflect the immediate sentiment of the nation. The Senate was expected to be the balance wheel of the House. This was to be a continuing body, removed from direct and

immediate control of the people. It was therefore expected to show greater stability and keep down radical or ill-considered measures which the House, in the face of public opinion, might enact. These conditions have changed somewhat with time. But even to-day the Senate is the calmer body, the more conservative body, and therefore is still the balance wheel of the national legislature. Just how these bodies are elected and organized, and what their functions are to-day, is interesting.

The House is the more numerous branch of the Congress. Its numbers are fixed by itself following each national census. The number of representatives is in proportion to the population of the whole nation. Each congressman represents, as nearly as may be, an equal number of persons. Following the census of 1910 the membership was fixed at 435, or one representative for each 211,877 of population as shown by that census. This will remain the size of the House until after the census in 1920, when a new apportionment will be made necessary. For the ten years following the census of 1900 the number of representatives was 391, or one for each 194,182 of population as shown by that census.

The House, after determining the number of its membership and the basis of apportionment, determines how many representatives each state shall be entitled to. The legislatures of those states must then divide the states into congressional districts, each with a population as nearly as may be in accord with the basis of apportionment.

Representatives are elected every two years by the direct vote of the people of the districts in which they live. Thus it could be possible, although not likely, that

there should be an entirely new set of representatives at the opening of each new Congress. The congressmen are elected in November and are placed on the pay roll of the nation the following March 4. Thus representatives are elected in the fall of the even years, and take their seats in the spring of the odd years.

The House, because of its frequent and direct elections, reflects the sentiment of the people directly. If sentiment changes within two years, there are bound to be many new faces in the House when it convenes following election.

The House organizes itself. When a new Congress convenes, the chair of the presiding officer is vacant. The clerk of the old House presides until a presiding officer is elected. This officer is called the "speaker," and no business is in order until a speaker has been elected. The speaker is always a member of that political party which has a majority of the members of the House. The election is a strictly party affair, and the candidates are chosen in party caucus.

The House also elects in the same way a clerk, a chaplain, a sergeant-at-arms, and a doorkeeper. Each of these has a large corps of assistants necessary to handle the vast amount of business which is transacted by the body.

The membership is divided into more than fifty committees, for it is by committees that the legislation is put into form for final passage by the House and enactment into law. Nearly fifty thousand bills are usually introduced in a single session of the Congress; it would manifestly be impossible for even a small proportion of these to be considered by the entire body. This is more especially true since many of them relate to the same

subject. They are therefore referred to the proper committees, where the good points are taken out and drafted into a bill and then referred back to the House for action. If passed by the House, the bill then goes to the Senate. If it is passed by both branches, it goes to the president for his signature, and then becomes a law. Thousands of these bills are never heard from after they have been placed in the hopper. All sorts of hair-brained ideas are offered, many of which the introducer himself does not believe in but introduces to please some portion of his constituency.

The constitution gives certain functions to the House exclusively. All revenue bills must originate in the House. Therefore it is in the House that all tariff bills are drawn and must first be passed before the Senate has an opportunity to consider them.

The House, too, is given exclusive power to vote to impeach a federal official, whether he be the president or a justice of a United States court. If the House votes to impeach, the Senate acts as the trial body.

It has also become the custom for all large appropriation bills to originate in the House.

The House is sole judge of the qualification and election of its members. If a defeated candidate believes he has been defrauded, or that errors in counting the ballots have been made, he has appeal to the House. A committee is given the appeal, takes evidence of the alleged fraud, and may count the ballots. If the committee reports in favor of the supposed defeated candidate, he will probably be seated; if the report is against him, he has no redress.

While the House may change its complexion every two years, the Senate is a continuing body. Each state,

regardless of its population, elects two senators. Their terms are for six years each. The constitution provides, in order that the body may be continuing, that the members shall be divided into three classes, one class retiring each two years. Thus only one third the Senate goes out each two years, and two thirds remain unless death or resignation makes necessary a special election of a senator. These classes are so organized that the two senators from a given state are in different classes. Thus, except in case of death or resignation, no state sends two new senators to Congress in the same year.

Under the constitution as originally drafted and adopted, senators were elected by the legislatures of the states. The people had only a second-handed control. The people elected the members of the legislatures, but the legislators were at liberty to vote for any candidate for senator they might choose to. A constitutional amendment was ratified by the states in 1913 which changed this whole system. Now all senators are elected by the direct vote of the people of the state from which they come. Thus the people will have the same direct voice in naming senators that they have always had in naming members of the House.

The business of the Senate is conducted in much the same manner as that of the House. One fundamental difference in its organization is that the vice-president of the United States is the presiding officer of the Senate. He has no vote except in case of a tie, when he may break it. The Senate elects from its membership the president *pro tempore*, who presides in the absence of the vice-president. If the vice-president should die, the president *pro tempore* would preside over the Senate all the time.

The Senate is divided into committees just as is the House, and bills are referred to these committees for consideration before they go before the entire body. The procedure is much the same in the two branches.

The Senate, however, has certain functions of vast importance which are denied the House. The Senate is one of the strongest factors in the foreign relations of the United States. While the president and the secretary of state may make treaties, those treaties cannot become effective until concurred in by two thirds of the senators. Thus one more than one third of the senators may block the entire foreign policy of the president.

The Senate also has sole power to try impeachments. The House may order the impeachment, but if the Senate refuses to try the case the action of the House becomes void. If the president be impeached, the chief justice of the United States supreme court presides.

The Senate, too, must confirm all appointments to federal office made by the president. There are a vast number of these, including postmasters, judges of the federal courts, and many others. Thus if a majority of the members of the Senate should be members of the political party opposing the president, they would be able to prevent him from naming any of his friends and supporters to office.

The Senate is a much smaller body than the House. As a result it is a more dignified and deliberate organization. The riotous scenes frequently seen in the House are almost never seen in the upper branch. Members of the Senate are required to be thirty years of age and must have been citizens of the United States for nine years. Members of the House must be twenty-five years of age and must have been citizens for seven years.



## CHAPTER LII

### THE UNITED STATES: THE JUDICIARY

U.S. SUPREME COURT — U.S. CIRCUIT COURT OF APPEALS —  
U.S. DISTRICT COURTS — U.S. COURT OF CLAIMS — U.S.  
COURT OF CUSTOMS APPEALS — U.S. COMMERCE COURT

THE United States maintains one of the most elaborate and complete judicial systems known in the world. Founded upon the principle of equal justice to all as the nation is, it has been deemed necessary to establish such a system of courts that no man, rich or poor, should be unable, under certain necessary restrictions, to find that justice in the highest courts in the land.

The individual states by their judicial systems have jurisdiction over their own internal affairs. They have jurisdiction, too, over all cases within their own boundaries in which only persons living within, and property located within, these boundaries are interested. But when the constitution of the United States becomes involved, when parties or property involved in a suit are located in different states, when the federal government or the federal laws are in question, or when subjects of a foreign nation are involved, then there must be some court backed by the authority of the United States in which such actions may be tried.

The constitution of the United States provides explicitly for the organization of the United States supreme court as the highest judicial body in the nation. This court is removed as far from politics as possible. It is

a continuing body, too, and therefore not subject to every change in popular sentiment.

The United States supreme court consists of one chief justice and eight associate justices. All are appointed by the president and confirmed by the Senate. They hold office during life and good behavior. No justice of the supreme court may be removed except by impeachment, ordered by the House of Representatives and tried by the Senate. Never in the history of the United States has a justice of the supreme court been so removed. One was impeached, but acquitted on trial. "High crimes and misdemeanors" is the only ground upon which they may be attacked.

Justices may be retired at the age of seventy years with full pay for the remainder of their lives, or they may continue in the service if they choose. It is thus apparent that changes in the personnel of the supreme court are not likely to be frequent. A president may not in his entire term have the appointment of a single justice. Indeed, in the term for which he was elected president, Theodore Roosevelt appointed but one justice, and in the seven years he occupied the White House he appointed but two justices, who are now members of the supreme court.

The supreme court has original jurisdiction in but two classes of cases. These are cases affecting ambassadors, other public ministers and consuls, and cases in which a state shall be a party. In all other cases properly in the United States courts, the supreme court may be appealed to if one of the litigants is dissatisfied with the decisions of the lower courts. The decisions of the supreme court are final. There is no authority above it to which a dissatisfied litigant may appeal.

Next below the supreme court in authority is the United States circuit court of appeals. The nation is divided into nine judicial circuits. One justice of the supreme court presides over each circuit, although only upon rare occasions does he actually sit. The different circuit courts have a different number of judges. One of these circuits, the Fourth, which includes the states of Maryland, Virginia, West Virginia, North Carolina, and South Carolina, has but two circuit judges. Three other circuits have four judges each, and the balance have three. These judges, like the supreme court and all judges in federal courts, hold their offices during life and good behavior.

The duty of this court is to hear appeals. If a litigant is dissatisfied with the decision of the court below, he appeals to the circuit court of appeals. Here the two, three, or four judges listen to the case and read the briefs, and either affirm or reverse the decision of the lower court. If the litigant is still not satisfied with the decision of the circuit court of appeals he may go to the United States supreme court as his last resort.

The lowest court of general jurisdiction in the federal judicial system is the United States district court. Here such cases as may properly be tried in a United States court are commenced, tried, and a decision rendered. If the litigant is dissatisfied he may appeal to the circuit court of appeals, as explained, and from there to the supreme court.

The constitution provides that the following classes of cases may be tried in the courts of the federal judicial system:

All cases, in law and equity, arising under the constitution, laws, and treaties of the United States.

All cases affecting ambassadors, other public ministers, and consuls.

All cases of admiralty and maritime jurisdiction. This applies to crimes committed on the high seas and consequently not within the jurisdiction of any state, and to all other actions in which the maritime interests are in any way affected.

All controversies to which the United States shall in any way be a party.

All controversies between two or more states.

All controversies between one state and the citizens of another state, or between citizens of different states.

All controversies in which any portion of the property involved shall be located in different states or in a different state from that in which the litigants live.

All matters in which a foreign state or the subjects of a foreign state may be interested.

The nation is divided into seventy-seven districts. In about half the states the boundaries of the state constitute the boundaries of the judicial district. New York has four districts, and the balance of the states are divided into two districts. The judge of the United States district court must hold court in such cities in his district as are provided by law. Connected with his court is the United States district attorney, who represents the government before him, the United States marshal, who is the police officer of the district, and the clerk of the court and such other officials as the work of the court demands.

Here are tried all violators of the laws of the United States. The procedure in such cases is as follows: First, the grand jury which meets at the beginning of each term of the district court hears whatever evidence of wrong-

doing may be brought before it by the district attorney or by any of the numerous secret agents of the federal government. Perhaps it is a case of some person opening another's mail; perhaps somebody has been using the mails to defraud; maybe it is a postmaster, or somebody connected with his office, who has misappropriated some of the money; perhaps it is somebody selling liquor without paying the government license. A hundred other violations could easily be imagined all of which must be brought to the attention of the grand jury. If the evidence seems sufficiently strong to this body, it returns a true bill. This is given into the hands of the United States marshal, who makes the arrest. The violater is then given a trial, if he desires one, before the traverse jury which sits in open court and where evidence on both sides is given. In the proceedings before the grand jury only the government's side of the case is heard. All the proceedings are secret, and usually nobody knows what true bills are returned until the arrests are made. Before the traverse jury the man arrested has an opportunity to put in his defense, and he stands innocent unless the government can show to the satisfaction of the jurors that he is guilty.

In addition to the courts of general jurisdiction there are other courts having to deal with specific classes of legal actions. The court of claims is one of these, and the oldest of them. This court has jurisdiction over all claims made against the United States except pensions and claims growing out of the Civil War. The court consists of a chief justice and four associates. It meets annually in Washington on the same day that Congress convenes. On that day it sends to Congress a complete report of all judgments it has rendered, the amounts, the

person to whom the claim is allowed, and a synopsis of the case. This court also acts in an advisory capacity to Congress. Congress may refer claims to this court and act upon the advice of the court before taking action relative to them.

Another court having limited jurisdiction is the United States court of customs appeals created in 1910. It consists of a presiding judge and four associates. As its name implies, it has jurisdiction over all cases involving customs. It is always open for business, and may sit wherever it determines will be most convenient to handle the particular cases to be considered.

Still another court, created in 1910, was the commerce court. It was of short life, for Congress refused to appropriate funds for it. This court consisted of five judges, one of whom retired each year. As a judge retired from the commerce court he took his place on the circuit bench. The chief justice of the supreme court designated to which circuit he should go. His place on the bench of the commerce court was filled by a circuit judge designated by the chief justice of the supreme court.

This court had jurisdiction over the enforcement of orders from the interstate commerce commission and in all actions brought to set aside the orders of the commission. It also had jurisdiction over cases arising under acts to regulate the commerce with foreign nations and commerce between states. The court sat in Washington but for convenience might hold sessions anywhere else.

Bankruptcy proceedings are brought in the United States district courts. When a person, firm, or corporation finds it cannot pay its bills it is permitted, for the benefit of all the creditors, to file a voluntary petition in

bankruptcy, or one of the creditors may file an involuntary petition to protect himself. The case goes to the referee in bankruptcy in the district in which the petition is filed. There the bankrupt must set forth in detail all his debts and all his assets. The *bona fide* creditors are determined, and the amounts due them. The assets are determined likewise, and converted into cash or negotiable property. The creditors are then paid their proportionate share of what is realized.

Thus does the United States provide courts for all its people. Every class finds protection and justice there. It is the greatest mill for determining justice that the world knows. It is a complicated and powerful machine. It may nullify the laws passed by the Congress or by the states if those laws contravene the constitution of the United States. It administers justice between persons; it settles controversies between states. It grants protection to the citizen of a foreign nation; it prosecutes him as well. It is upon this system of justice to all persons who may reside permanently or temporarily within the jurisdiction of the United States that the nation finds the bedrock upon which it is founded.

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